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Marine Corps Development and Education Command
Quantico, Virginia 22134

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Operational Handbook

Legal Services Support

Number 4-10

1. Purpose

Operational Handbook (OH) 4-10, *Legal Services Support*, has been prepared to provide the information required to effectively employ legal services in support of the Fleet Marine Forces.

2. Scope

OH 4-10 provides guidance in legal services and legal services operational planning to commanders, their staffs, judge advocates, and legal services personnel through a discussion of legal services organization, support, and operations. OH 4-10 is not a source of legal advice.

3. Applicability

Although this handbook is not directive in nature, it is intended for use as a tentative doctrinal basis for the Fleet Marine Force and for instruction conducted by the Education Center, Marine Corps Development and Education Command. Use of this handbook during training exercises is desirable and encouraged.

4. Recommendations

Comments and recommendations on the contents of this handbook are invited and are essential to its orderly development. Correspondence should be addressed to:

Commanding General
Marine Corps Development and Education Command
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Quantico, Virginia 22134

5. Distribution

Initial distribution of this OH is shown on the following page. Addressees should ensure that appropriate subordinate organizations are provided copies as required. Requests for additional copies of this publication should be made to the address above or by telephone, Autovon 278-2871.

6. Cancellation

This handbook shall remain effective until canceled by Marine Corps Bulletin 5600, which lists the effective Marine Corps doctrinal and related publications.


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Legal Services Support

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Chapter 1

Introduction

1001. Requirement for Legal Services

The political and legal complexities of the modern world have a significant impact on military operations. International law, treaty, and status-of-forces agreement issues; law of war; limited legal services personnel and equipment resources; and the complex technical and logistical requirements of administrative law and military justice have forced the necessity for professional legal services to the lowest echelons of command. These circumstances require continuous, efficient, and appropriate legal services delivery in all Fleet Marine Force (FMF) commands. This section presents the mission of the Service Company, Headquarters and Service (H&S) Battalion, Force Service Support Group (FSSG) Legal Services Section, and discusses the fundamental principles affecting legal services operations and organization. This operational handbook (OH 4-10) supplements FMFM 4-1, *Combat Service Support*.

1002. Mission

The mission of Service Company, H&S Battalion, FSSG, in respect to legal services, is to provide continuous, efficient, and appropriate judge advocate and legal administrative services to the Fleet Marine Forces whether in garrison or deployed in support of the commanders' policies and decisions so as to minimize the adverse impact which legal actions may have on mission accomplishment.

1003. Command Responsibility

All commanders are responsible for maintaining discipline and law and order within their commands and

for conducting operations in accordance with applicable international and domestic law. Major commanders are provided staff judge advocates (SJA's) as legal advisors to advise them in respect to their legal responsibilities. Whether deployed or in garrison, the geographic interspersal of ground, aviation, and combat service support (CSS) commands requires a unified legal services support structure to effectively discharge legal administrative and judge advocate counseling tasks. The Commanding General, Force Service Support Group is responsible for providing these legal support services.

1004. Concurrent Planning

Legal services support for operations is planned to conform to the tactical plans and policies of the commander. The requirements for this support are developed and coordinated between the staff judge advocate of the supported commander and the combat service support element (CSSE) commander. This coordinated support and controlling policies are set forth in Annex E (Personnel) and in Appendix 12 of Annex P (Combat Service Support) of the Marine amphibious force/Marine amphibious brigade (MAF/MAB) operations plan, and in portions of the Marine amphibious unit (MAU) operations plan as determined by the MAU commander. In garrison, the support and policies are set forth in local standing operating procedures (SOP's) and directives.

1005. Principles

The principles which influence legal service support operations, whether in garrison or in combat operations, are command responsibility, continuity, flexibility, simplicity, economy, and efficiency.

a. Command and Staff Responsibility. The FSSG commander is responsible for providing adequate legal services support to the MAF. To effectively provide combat service support to Marine air ground task

forces (MAGTF's), combat service support elements are formed into functional task organizations under a single commander which, along with the ground combat element (GCE), air combat element (ACE), and headquarters elements comprise the MAGTF. In garrison, the GCE, ACE, and CSSE responsibilities to the commanding general of the MAF are discharged by the permanent division, wing, and FSSG commanders respectively, although technically, in garrison, the term MAGTF is not appropriately applied to the major commands. The legal services support section (LSSS) and the legal services support team (LSST) of the FSSG are integral parts of the FMF legal services organization. The legal and military justice functionary assigned to the MAGTF headquarters element is a staff judge advocate or a senior judge advocate who is responsible for the coordinated development of legal services policies and plans for the MAGTF. When appropriate to the MAGTF operations plan, legal services support elements are task organized from the LSSS to include one or more appropriate-sized legal services support teams under the direction of an officer in charge. Such teams may be assigned to the CSSE, directly to one or more supported commanders, or in a combination of both schemes. The purpose of the LSSS is to provide legal administrative services through the establishment of one or more legal services support sites to support whatever legal tasks and functions the MAGTF may be required to perform.

b. Continuity. The legal service support system must be readily responsive to the needs of the supported commands. The FSSG is capable of task organizing to provide continuing response in garrison and, simultaneously, through every phase of MAGTF operations. The permanent establishment of the legal services support function in the FSSG simplifies organizing MAGTF legal services support by minimizing the impact of technical legal constraints on personnel availability, by permitting a single commander to make critical decisions regarding priority of personnel assignment and equipment and supply commitment, by assuring uniform legal procedures and training of personnel, and by affording a simple internal readjustment capability to offset resource losses to external requirements. This establishment also assures that the same critical legal services personnel will be involved in MAGTF operations from the earliest planning phases onward.

c. Flexibility. The need to maintain discipline at all echelons of command under all conditions, and to provide a ready source of advice on other legal matters, requires that legal services support be able to adjust rapidly to changing combat circumstances and adjust to geographic dispersion of units. Flexibility of legal services support is gained by establishing central LSSS's to the maximum practical extent and decentralizing LSST's where required to support maneuvering or dispersed units. The LSSS's and the LSST's must be mutually supporting and capable of assuming the responsibilities of each other. In addition to siting decisions, there may also be centralization of some legal services support functions and decentralization of other functions (e.g., centralized charge sheet preparation and decentralized prosecution/defense services).

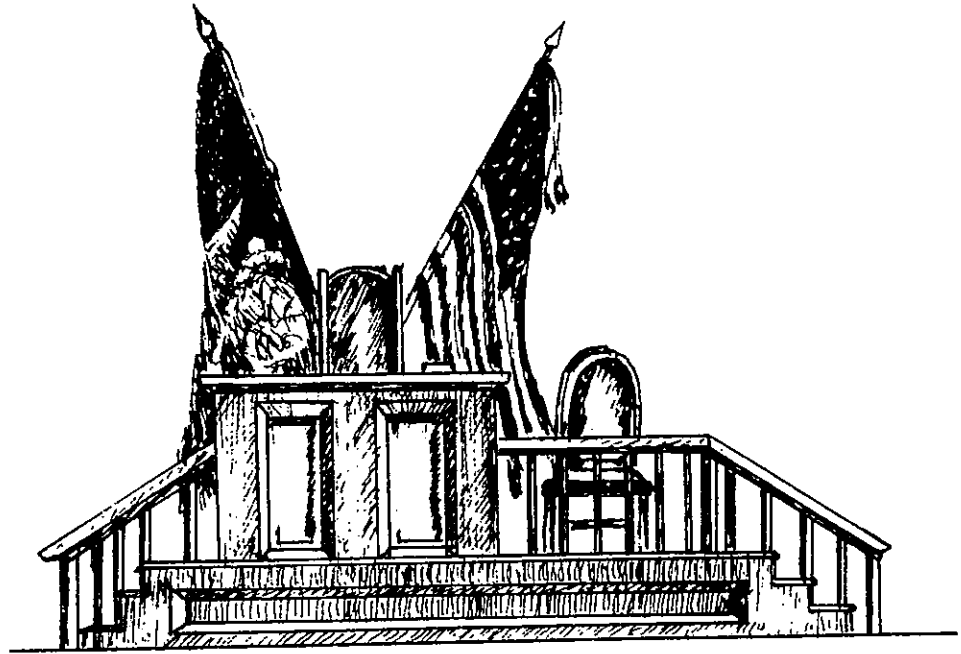
d. Simplicity. The legal services support system must be simple in concept and organization and must effectively relieve supported commands of as much of the legal administrative burden as is practicable. Plans must be simple, easy to execute, and capable of adjustment to sudden changes in the operational circumstances. The legal services documents and procedures must be standardized and simplified to the maximum possible extent. Legal services are provided directly to the using commands, bypassing intermediate echelons whenever possible. Final draft action documents are provided to the supported command staff judge advocate/senior judge advocate for final coordination of completed staff action.

e. Economy. The principle of economy requires that a command use its own legal administrative resources to the maximum practical extent before drawing

on external agencies. Most FMF commands have minimal internal resources capable only of low echelon service record, unit punishment book, and injury, death, claims, and supply investigations administration. Staff judge advocate sections are also austere staffed. The centralization-where-practical and decentralization-where-required combat service support concept of legal services support permits maximum resources to be brought to bear when and where they are needed. The concept also permits maximum utilization of deployable state-of-the-art word processors and computer-assisted court reporting equipment to assure efficient processing of the word-intensive legal tasks. Given the time constraints of military justice and involuntary administrative separation matters, and the vicissitudes of operational conditions, the requirement for expeditious processing of all legal services tasks supersedes the desirability of pure fiscal economy. Commanders, staff judge advocates, and all legal services managers must ensure the proper application of the principle of economy as well as assure the standardization, compatibility, and maximum effective use of word processing equipment.

1006. Organization

The LSSS and LSST's are specifically task organized from the Legal Services Section, Service Company, H&S Battalion, FSSG to support FMF legal services requirements during the conduct of MAGTF amphibious assaults and subsequent operations ashore, combat deployments, contingency deployments, and training exercises as well as in garrison. The LSST's are located, as appropriate, aboard ships and at locations ashore.



Legal Services Organization

Section I. Legal Services Support Tasks

2101. General

In accomplishing their missions, the legal services support section (LSSS) and the legal services support team (LSST) perform tasks in garrison, seaward, and ashore under the direction of an officer in charge. The staff judge advocate (SJA), force service support group (FSSG) will normally fulfill this role in coordination with the assistant chief of staff, combat service support officer (CSSO). Legal services task performance is also subject to the staff supervision of the supported Marine air-ground task force (MAGTF) or other command through the staff judge advocate.

2102. Legal Services Support Tasks

The LSSS/LSST performs the following tasks, subject to specific employment plans:

- Provides legal administrative services requisite to courts-martial, to include:
 - .. Preparation of charge sheets, initial review actions, convening orders, court-martial orders, legal hold orders, and subpoenas for all courts-martial convened in the supported command.
 - .. Preparation of staff judge advocate advice, staff judge advocate review, and all other related court-martial documents for staff judge advocates and convening authorities.
 - .. Provision of trial counsel, defense counsel, court reports, and coordination for court facilities and military judge support for all courts-martial.
 - .. Provision of defense counsel, supplementary action, court-martial orders, and legal review services for vacations of suspended court-martial sentences.

- Legal administrative services attendant to administrative separation proceedings in which a judge advocate is required by law or regulation for counseling, representation, or review to include:
 - .. Review of the preliminary inquiry, preparation of the notice to the respondent, and preparation of the properly documented recommendation of the commanding officer for all officers exercising special court-martial jurisdiction.
 - .. Provision of judge advocate advice to a respondent, where applicable.
 - .. Provision of preliminary advice to commands on administrative separations in consonance with current regulations and supported command policy guidance.
 - .. Preparation of the staff judge advocate review for the appropriate staff judge advocate, where applicable.
 - .. Preparation of final command endorsement for signature by the separation authority.
- Provides review services for appeal from non-judicial punishment, where judge advocate review is required, for all reviewing authorities.
- Provides military magistrate services where required.
- Provides command advice and guidance on matters pertaining to the law of war, international law, treaty obligations, and domestic law affecting operations, unless a staff judge advocate is assigned to the supported headquarters. If a staff judge advocate/senior judge advocate is assigned to a supported command, this service will be provided as supplementary support for such officer. This task contemplates legal review of operations plans, advice and guidance regarding the operation of prisoner-of-war camps, foreign criminal jurisdiction matters, civilian intern programs, advice pertaining to belligerent occupation, domestic law affecting operations, and other legal aspects of warfare.
- Provides, for all reviewing authorities and their staff judge advocates, review and guidance in respect to claims, administrative death/injury investigations, and where required, administrative supply investigations, to include preparation of all appropriate endorsements for officers exercising general court-martial jurisdiction.
- Provides judge advocate and legal administrative support for all U.S. military personnel prosecuted in foreign courts as required by pertinent directives to include processing of trial notices, obtaining of lawyer counsel, provision of trial observers, preparation of a trial observer report, and when appropriate, maintaining efficient channels of communication to coordinate administrative discharge and claims proceedings.
- Provides legal assistance for personnel assigned to the supported command.
- Provides and maintains adequate legal research books and other publications as permitted by the circumstances of the operation and actual need, subject to the following:
 - .. Each LSSS/LSST possesses essential legal research capability only.
 - .. The LSSS/LSST coordinates the more complex legal research problems with the nearest Naval legal services officer/Marine Corps base or station capable of processing the research.
- Whenever legal documents are prepared for signature by a commander or a staff judge advocate of a supported command, the content of such documents shall conform to the guidance of the supported commander. The content of legal services control documents shall be determined by the Commanding General, FSSG. The format for all legal documents shall also be determined by the Commanding General, FSSG.

2103. Staff/Senior Judge Advocate Tasks

The staff/senior judge advocate performs the general duties of a special staff officer with respect to legal matters. (See FMFM 3-1, *Command and Staff Action*.) Staff responsibilities include:

- Assisting the commander and subordinate commanders in the administration of military justice and involuntary separations in which a judge advocate is required for counseling, representation, or review.
- Examining all disciplinary cases forwarded to the commander for action, advising the commander, and recommending action thereon. Commanders should, at all times, communicate with their staff/senior judge advocates in matters relating to the administration of military justice.
- Acting as the point of contact and coordination for legal services and judge advocate support for the command.
- Reviewing and recommending action on courts of inquiry, investigations, and claims.
- Advising on the legal aspects of all matters requiring command or staff action, including but not limited to the following subject matter:
 - .. Military justice, claims, and litigation.
 - .. Civil-military relations and jurisdiction.
 - .. Civil affairs and civic action.
 - .. International law and relations.
 - .. Investigations and reports.
 - .. Legal assistance and personal affairs.
 - .. Local law of the area of operations.
 - .. Negotiation of contracts with indigenous organizations.
 - .. Labor law.
 - .. Environmental law.
 - .. Law of war.
 - .. Domestic law affecting military operations.

2104. Other Tasks

The myriad of legal functions and tasks and their related administrative processes are too numerous to detail completely. The foregoing provisions are illustrative of the differences between the advice and policy role of the staff judge advocate and the judge advocate and legal administrative support to be provided by the FSSG. Local conditions may result in agreements between the LSSS/LSST and the supported commands which assimilate other tasks into the legal services support system. Such additional tasks will, however, have to be supported out of LSSS/LSST resources allocated to the particular LSSS/LSST by the FSSG.

Section II. Legal Services Support Organization

2201. General

This section describes the functional elements which provide legal services in garrison and to the MAGTF, and the normal task organization of these elements into legal services support teams. Although the basic functions of the LSST remain unchanged, the task organization will vary according to the character of the specific operation. The fundamental reasons for this difference are the mission, size, and composition of the MAGTF; the expected duration of the operation; and the scheme of maneuver, topography, etc., involved in the operation. For a more complete discussion of command arrangements and principles applicable to the MAGTF's and their operations, see LFM 01, *Doctrine for Amphibious Operations*; FMFM 0-1, *Marine Air-Ground Task Force Doctrine*; FMFM 3-1, *Command and Staff Action*; and JCS Pub 2, *Unified Action Armed Forces (UNAAF)*.

2202. Command Relationships

The Fleet Marine Force (FMF) commander is responsible for the administration and training of the FMF's. As the common superior of the Marine division (MARDIV)/Marine aircraft wing (MAW)/force service support group commanders, the FMF commander is responsible for assuring the adequacy and effectiveness of legal services support to those commands and those MAGTF's organized under the aegis of the FMF headquarters. Where permanent, discrete Marine amphibious force (MAF) headquarters are in existence, the MAF commander may be authorized by the force commander to act as the immediate common superior for all organizational commanders under the MAF commander's operational control for purposes of legal services resource allocation, performance, readiness, and

training. When such a MAF headquarters deploys and is not capable of so-acting for residue forces, the FMF commander directly performs such duties.

2203. Staff Judge Advocate, Marine Division/Wing/FSSG

a. Mission. The primary mission of the staff judge advocate is to provide timely legal advice and guidance to the Marine division, Marine aircraft wing, and FSSG commanders concerning courts-martial, administrative separations, claims, administrative investigations, legal assistance, law of war, and other legal matters. The SJA of the FSSG also functions as the cognizant staff supervisor of the legal services support system of the FSSG and supervises all legal services operations of the legal services support section.

b. Concept of Organization. The SJA is a special staff officer to one of the major commanders. The table of organization (T/O) of the staff judge advocate section (SJAS) consists of one senior judge advocate, a legal services chief, and a legal services clerk. When circumstances justify augmentation of that office, additional legal services support personnel are provided by the FSSG. In view of the austere manning of combat organizations, augmentation beyond the assignment of a temporary deputy SJA or an additional clerk or two will rarely be required.

c. Concept of Employment. The SJAS is employed as an integral part of the division/wing/FSSG staff. All command headquarters, except

FSSG, are austere manned, not self-sustaining, and therefore, are not capable of providing full legal services support.

2204. Staff Judge Advocate, Marine Amphibious Force

a. Mission. The primary functions of the staff judge advocate are to advise the Commanding General, MAF and to develop MAF legal services plans; to exercise staff cognizance over the legal services responsibilities of the MAF commander; and to provide input for operations plans in regard to domestic law affecting operations, law of war, international law, legal services support, and other legal aspects of MAGTF operations and training.

b. Concept of Operation. The SJA is a special staff officer to the Commanding General, MAF. Normally, one judge advocate and one legal services clerk will be assigned to this office. All additional legal services support will be provided by the FSSG.

c. Concept of Employment. The staff judge advocate section of the MAF is employed as an integral part of the MAF staff.

2205. Staff/Senior Judge Advocate, Marine Amphibious Brigade (MAB)/ Marine Amphibious Unit (MAU)

a. Mission. The primary mission of the judge advocate is to provide timely legal services planning and legal advice to the commanding general/officer on military justice, law of war, administrative separation, international law, domestic law affecting operations, legal assistance, claims, administrative investigations,

and other legal matters. In addition, the staff/senior judge advocate acts as the MAGTF staff coordinator for combat service support legal services support planning and execution.

b. Concept of Organization. The staff judge advocate (MAB)/senior judge advocate (MAU) are judge advocates of appropriate grade provided to the MAGTF headquarters element for this purpose. A MAB staff judge advocate will normally be supported through the combat service support element (CSSE) with up to 9 judge advocates, 1 legal administrative officer, 14 legal services clerks, and 6 court reporters, depending upon the expected needs of the MAB. A MAU will normally be supported with up to two judge advocates, a legal services clerk, and a court reporter, depending on the expected needs of the MAU.

c. Concept of Employment. Unless a MAGTF headquarters is permanently activated, upon activation, a staff judge advocate and appropriate legal services personnel set forth in the notional T/O of the MAGTF will be assigned to the MAGTF headquarters element from FSSG by the Commanding General, MAF for the planning phase of the operation. Additional augmentation of the legal services support for the MAGTF will be provided according to plan at the appropriate time, via the CSSE.

2206. Legal Services Support Section

The bulk of FMF legal services support personnel, supply, and equipment resources are assigned to the LSSS, Service Company, Headquarters and Service (H&S) Battalion, FSSG. The LSSS is the command entity which provides legal services support for internal FSSG requirements and for the external requirements of the Marine division/Marine aircraft wing/MAGTF. The external tasks are normally performed in garrison or deployed through a CSSE or CSS detachment (see figs. 2-1 and 2-2), but may be temporarily provided for specific tasks by specially organized teams.

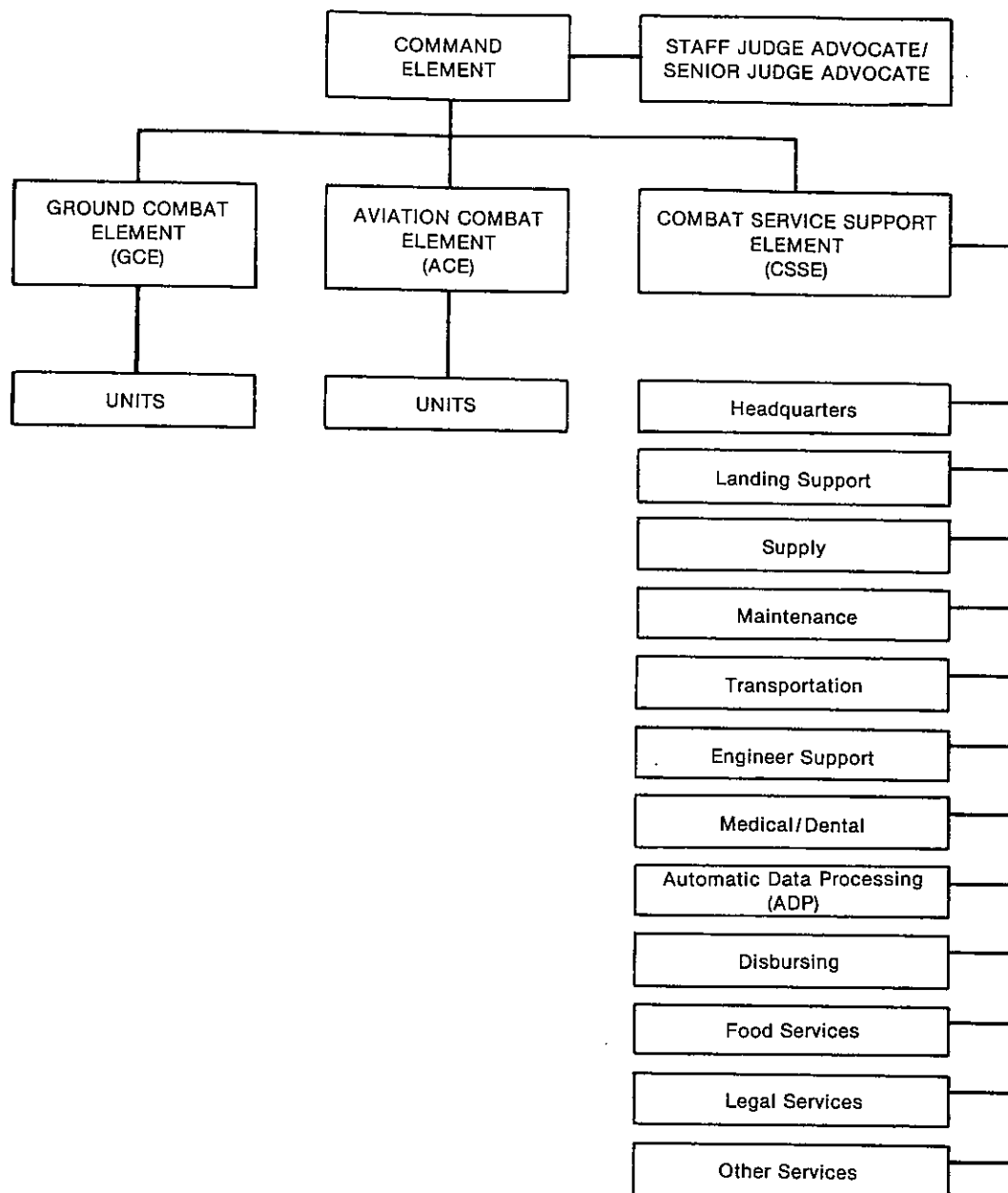


Figure 2-1. Marine Air-Ground Task Force Combat Service Support.

In garrison, the legal services are employed through the LSSS, FSSG. Resources are then employed in support of the Marine division/Marine aircraft wing/FSSG/MAGTF requirements. Routinely, geographic dispersion of the organizations will require the various command SJA's and the CSSO, FSSG to coordinate a legal services support plan. The basic LSSS will, according to plan, split off, on appropriate geographic bases, mutually supporting

LSST's as required to support the various organizations located in each area. Normally, the LSST will be assigned to a CSS detachment or the CSSE for command purposes; however, an LSST may be assigned directly to the supported command, as circumstances warrant. Overall staff cognizance of internal and external legal services support functions of the FSSG resides with the staff SJA of FSSG in coordination with the CSSO.

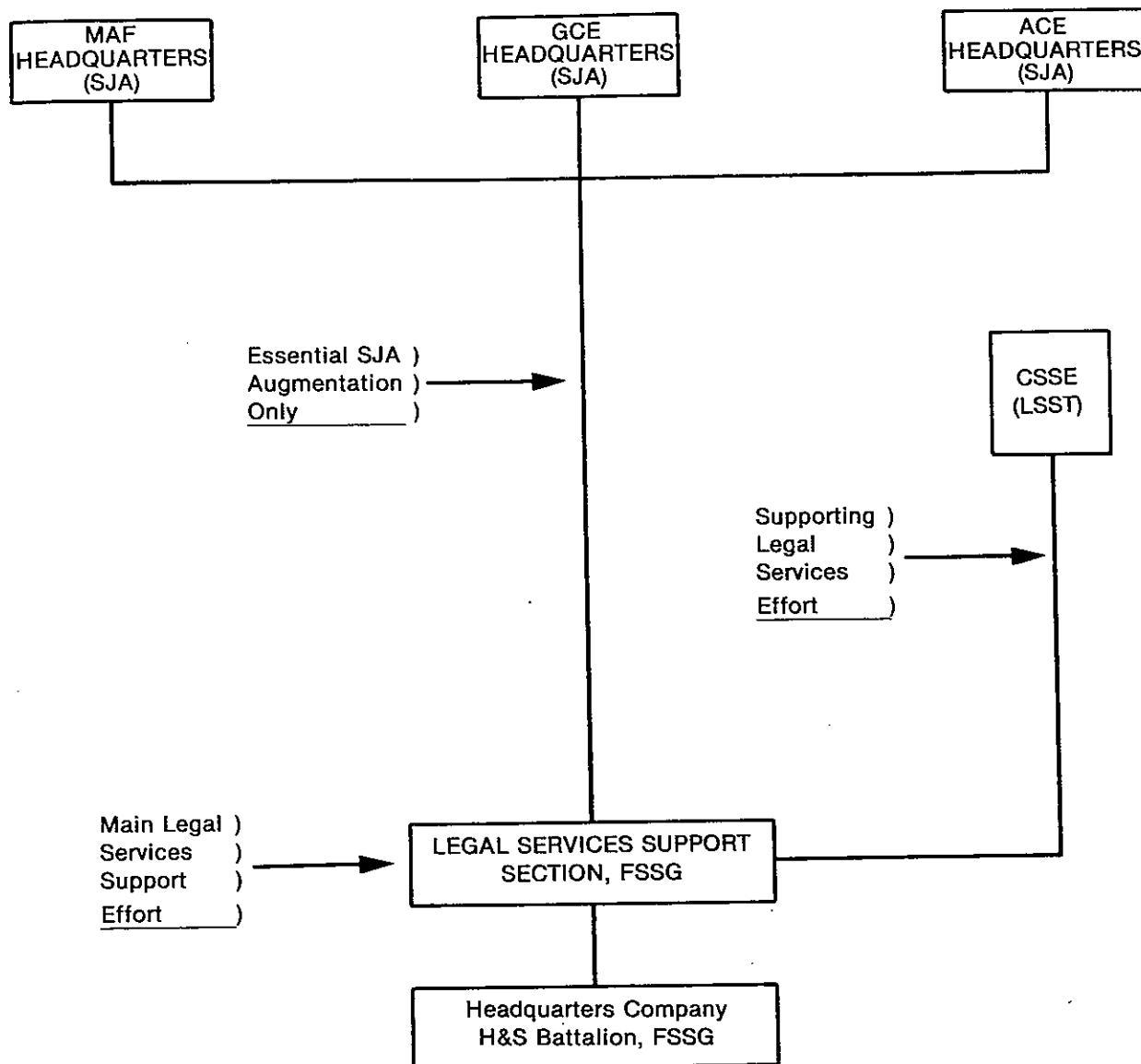


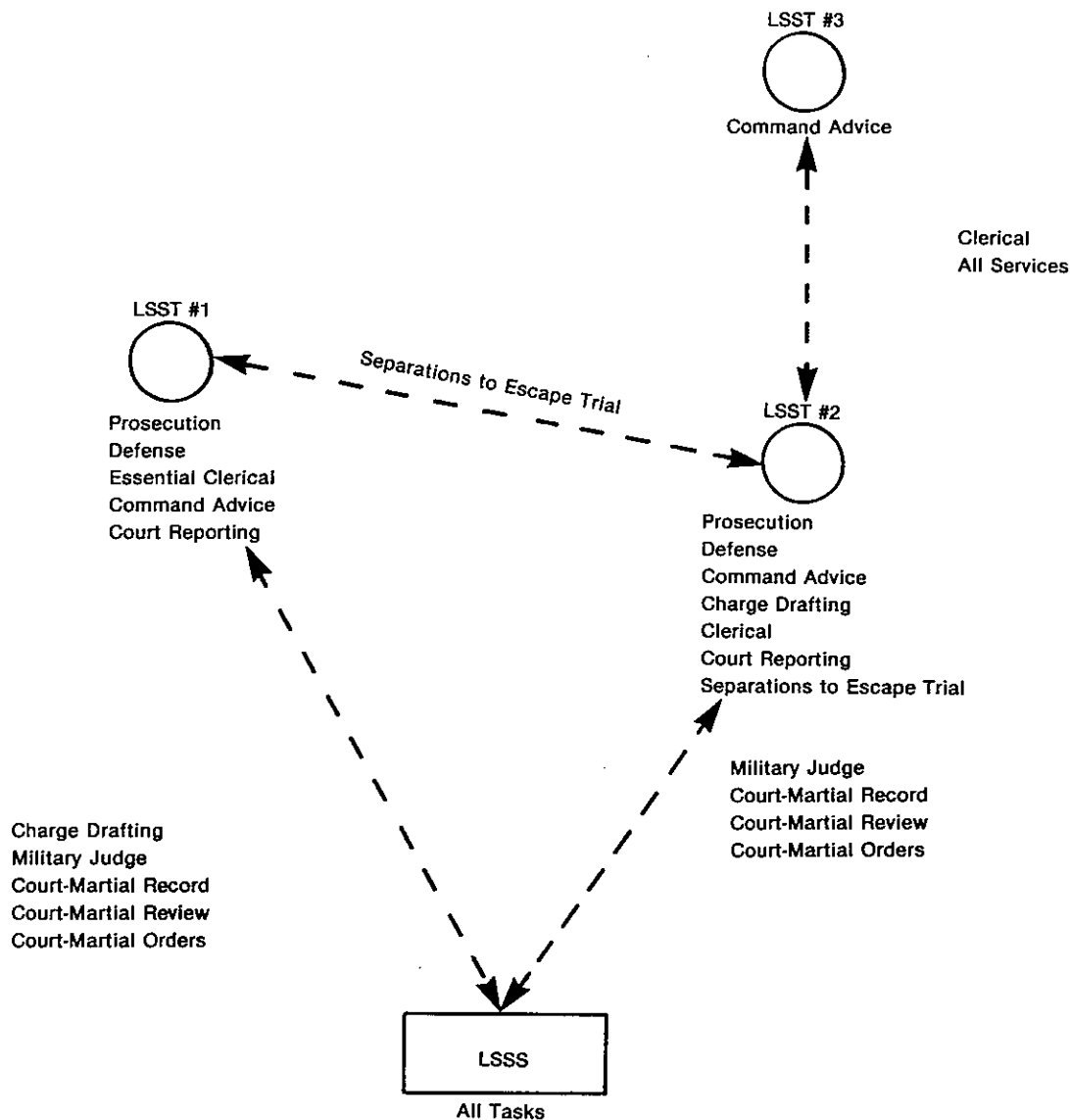
Figure 2-2. Marine Amphibious Force Support.

For operational purposes, the legal services support requirements of the MAGTF are provided in a manner similar to garrison operations, except that once the MAGTF is formed, the primary staff cognizance over legal services support for the MAGTF rests in the

MAGTF staff/senior judge advocate in coordination with the combat service support element. If the FSSG deploys for large operations of extended duration, legal services support is organized similar to the garrison situation.

The LSSS will provide task organized teams to perform the legal services tasks. The nature of legal services support is such that elements may perform services at widely separated locations, at one or more centralized locations, or in combinations of separated and centralized locations. The LSSS/LSST closely coordinates support requirements with the CSSE commander and the staff

judge advocates of the supported commands to ensure tailoring of support to the operational circumstances. The LSSS/LSST's are mutually supporting. Figure 2-3 depicts a typical mutual support relationship for military justice tasks. (Figure 2-2 is a diagram of the MAF legal services support organization; MAB and MAU legal services systems are similarly established.)



Actual Support Structure is Heavily Situation Dependent

Figure 2-3. Legal Services Support Section/Legal Services Support Team Mutual Support Schematic (Court-Martial Only).

a. Marine Amphibious Unit/Marine Amphibious Brigade Deployment. A MAU normally will not generate a significant court-martial caseload because of the length of the deployment and the nature of its potential missions. Most legal services work will involve injury/death/claims/supply investigations, legal review of operation plans, law of war training, legal assistance, nonjudicial punishment, and summary and special courts-martial work. Consequently, the basic legal services complement of a MAU consists only of one judge advocate, assigned as senior judge advocate, and one legal services clerk. If the anticipated length of deployment suggests that a significant disciplinary caseload will arise, additional legal services support resources may be required. Should predeployment resources prove inadequate, additional augmentation would be coordinated with the Commanding General, MAF. Basically, a MAB is also austere staffed. A basic legal complement consists of three judge advocates and three legal services clerks.

b. Marine Amphibious Force Deployment. The employment of a MAF may involve the deployment of all available legal services personnel. Each major command element has an organic staff advocate section to ensure that legal services policy and advice functions are continuous. An LSSS and LSST's are employed at appropriate times and places in support of major MAF population centers in the area of operations. The LSST's may vary in number from one to several, depending on the scheme of maneuver. Normally a central

LSSS with a number of supporting LSST's will be required. Legal services support operations must be closely coordinated with the SJA of the MAF, all major command SJA's, and the commander of the FSSG.

2207. Legal Services Support Teams, Force Service Support Group

a. Description. Legal services support teams consist of one or more task organized legal administration elements of the LSSS, FSSG tailored to the legal services support requirements in garrison and/or of one or more MAGTF's, and assigned to the CSSE or assigned for control purpose only to the headquarters element of the supported organization.

b. Personnel Strength. Legal services support teams vary in strength from 1 judge advocate (MAU) to over 160 officers and enlisted Marines (MAF LSSS).

c. Mobility. The LSSS/LSST has no organic motor transport support. Motor transport support is provided by the H&S battalion and by the motor transport battalion as required by the operational circumstances.

Section III. Legal Services Support Planning

2301. General

A legal services support organization is principally based on the requirement for continuous provision of legal services as a part of the combat service support effort. The legal services support structure, including the number, size, and allocation of the legal services support sections/legal services support teams, is determined during the planning phase of an operation. Legal services support planning from the MAGTF viewpoint, planning documents, and other pertinent factors are discussed in this section. Much of this discussion is also pertinent to garrison planning. For a complete discussion of command arrangements and planning, see LFM 01, *Doctrine for Amphibious Operations*; FMFM 0-1, *Marine Air-Ground Task Force Doctrine*; FMFM 3-1, *Command and Staff Action*; and JCS Pub 2, *Unified Action Armed Force (UNAAF)*.

2302. Amphibious Task Force/Higher Authority

At the amphibious task force, or other headquarters superior to the MAGTF, factors which influence legal services support planning and operations are within the purview of the operational, intelligence, legal, and logistics staff sections of the higher headquarters. The MAGTF legal services personnel will not normally be involved in preliminary planning at the higher level. During preliminary planning, however, basic decisions are made by the commander that are of particular interest to the legal services support planners in the FSSG. Consequently, the early and continuous dissemination of planning data at all echelons is essential to effective legal services support planning. Basic decisions include the following:

a. Determination of the MAGTF Mission. The missions of the MAGTF element are developed by the MAGTF commander, subject to concurrence from higher headquarters, from analysis of the mission designated in the initiating directive and the objectives selected by the higher headquarters and the MAGTF commander. Mission analysis is usually discussed by the MAGTF commander with the staff and subordinate commanders, but the commander does not usually receive formal input from them; nonetheless, some planning can begin at this early stage.

b. Development of the MAGTF Concept of Operations. Initially developed during the analysis and estimating process relative to beachhead and landing area selection, this broadly stated picture of the operation provides clarity and understanding regarding the operation. This concept is continually refined during subsequent planning and eventually is incorporated in the operations plan. Aspects of the concept of operations ashore most pertinent to legal services support planning are the general scheme of maneuver for the MAGTF, general task organization, principal objectives, deployment/movement means, plans for subsidiary operations, and an estimate of the duration of the operations.

c. Determination of the Date and Hour of the Operation. These matters are decided by the higher headquarters normally after consultation with the MAGTF commander.

d. Determination of Requirements and Allocation of Means. Landing means and fire support requirements are determined concurrently with the

decisions regarding the concept of operations shipping requirements. A tentative allocation of means to requirements is made which is continually reconciled to actual availability of means throughout the planning cycle.

2303. Marine Air-Ground Task Force

Marine air-ground task force planning begins on receipt of the activation order and involves the deployment phase and tactical operations.

a. Mission Analysis. The MAGTF commander analyzes the mission stated in the initiating directive to determine the specified and implied tasks, orients the MAGTF staff, and issues the planning guidance.

b. Planning Guidance. The planning guidance addresses all aspects of the operations, ground, air, and combat service support (CSS), and provides minimum information on the ground scheme of maneuver. Based upon this guidance, the subordinate ground combat element (GCE), air combat element (ACE), and CSSE commanders issue additional guidance regarding element operations. A planning schedule will also be issued specifying the time within which each planning task must be completed. The MAGTF planning guidance is the basis for the development of the operations plans for the MAGTF, including those portions relating to legal matters and legal administrative services support.

c. Courses of Action. The GCE commander develops proper ground courses of action which are submitted to the MAGTF commander for approval. The approved courses are then promulgated to the MAGTF staff and subordinate elements.

d. Staff Estimate. Estimates of supportability of the approved courses of action are prepared by the

GCE staff, ACE staff, and CSSE staff. These latter estimates must consider the impact of the approved courses of action on their ability to perform the element mission. For example, if an area is not to be secured by the GCE until D+5, earlier commencement of full legal services support activity is not possible. During this phase of the planning process, the officer in charge of the LSST in the combat service support element, and the staff judge advocate/legal officer of the MAGTF, must consider the necessity, viability, and desirability of providing legal services support to the MAGTF and the extent to which it should be done. Coordination with ACE and GCE staff elements is essential. The legal services estimate is then presented as a portion of the MAGTF staff and CSSE estimates along with the estimates of the GCE and the ACE for approval by the MAGTF commanders.

e. Commander's Estimate and Decisions. At a conference of element commanders, their staffs, and the MAGTF staff, the commander reviews all information, formulates an estimate, and makes the decisions regarding the courses of action. This decision will encompass the provision of legal services support for the MAGTF. From this decision will emanate the MAGTF commander's concept of the operation which will be distributed to the MAGTF staff and subordinate elements. The GCE, ACE, and CSSE commanders then issue their concept for guidance of their staff and subordinate commands.

f. Preparation of Plans/Orders. The MAGTF headquarters and subordinate elements begin the more detailed planning and the development of operations plans and orders. Normally, the MAGTF operations plans and orders will incorporate the documents prepared by the subordinate elements. For example, legal service support documents are normally developed by the officer in charge of the legal services support team in the combat service support element. The MAGTF staff ensures the development of plans for overall coordination of the MAGTF. Figure 2-4 is a schematic of the general process of developing combat service support plans. Legal services planning is an integral part of the overall combat service support planning.

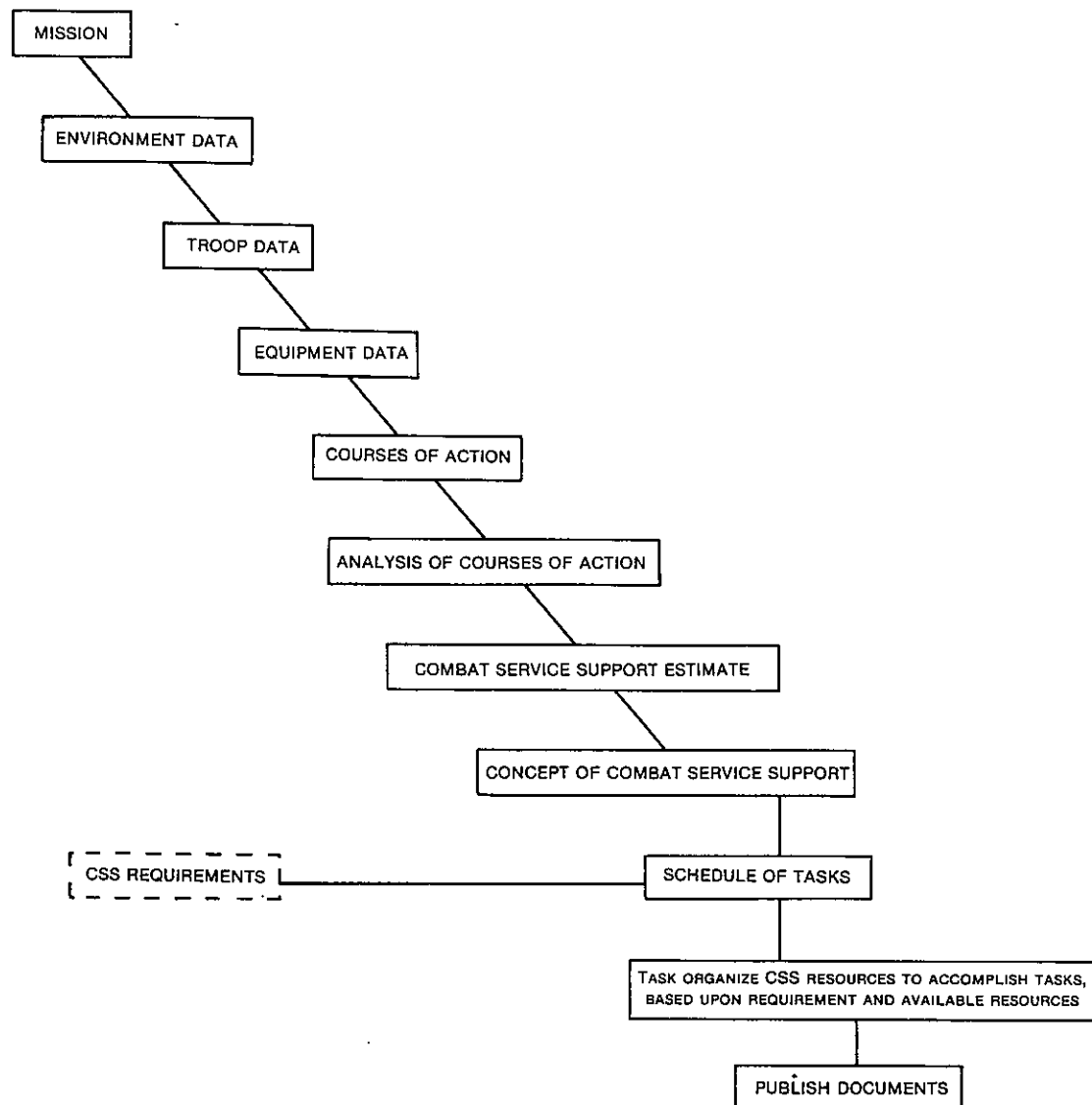


Figure 2-4. Combat Service Support Planning.

2304. Planning Factors

There are many factors affecting the accomplishment of the LSSS mission which must be carefully considered in the planning phase. Principal among these factors are the following:

- Detailed analysis of the objective area.

- Analysis of tactical plans and their attendant impact on legal services support requirements, to include plans for the possibility of absorbing, or being absorbed by, another MAGTF.
- Adequacy of communications between tactical units, control elements, and LSSS's/LSST's.
- Detailed planning for the organization of LSSS's/LSST's during movement, in the beach support area,

and further inland as operational circumstances change.

- Determination of the impact of the duration of the operation and the size and composition of the MAGTF upon disciplinary and other legal and quasi-legal caseloads.
- Timing and sequence of expected events.
- Existence of an adequate degree of administrative control to ensure efficient resolution of all military justice and other legal matters arising in the MAGTF.
- Technical, legal, and administrative requirements affecting courts-martial, nonjudicial punishment, involuntary administrative separation, and other legal procedures.

2305. Planning Considerations

In preparing legal services support plans, the following matters, in addition to the planning factors listed above, are considered:

- Enemy activity and installations in the objective area.
- Scheme of maneuver and the landing plan of the MAGTF.
- Plans after seizure of the objective area.
- Availability of lift (airlift/sealift).
- Plans for handling prisoners of war and civilian internees.
- Plans for handling of MAGTF criminal offenders, to include availability of military judges.
- Impact of international law constraints on such matters as:
 - The exercise of court-martial authority in foreign territory.

- Treaties, status of forces agreements, and host agreements.

- Overflights, basing, troop movements, etc.

- Rules of engagement.

- Impact of U.S. domestic law on military operations.
- Presence of civilians and civilian built-up areas within the objective area and further inland.
- Coordination required with local civil authorities regarding legal matters, if appropriate to the nature of the operation.
- Coordination required with higher and adjacent headquarters.
- Availability of liberty areas, cities, towns, or villages in the area of operations.
- The anticipated tempo of operations.
- Historical disciplinary and involuntary administrative separation patterns of MAGTF elements and commands.
- Impact of the mobility of the operation on legal procedural technicalities related to courts-martial, nonjudicial punishment, confinement, search/seizure, and other legal proceedings.
- The anticipated creation, potential size, and prospective location of combat service support detachments during and after seizure of the objective area.
- Plans for establishment of confinement facilities and the handling of MAGTF personnel ordered into confinement.
- Determination of the chain of review of disciplinary cases arising in the organizations comprising the MAGTF.
- Determination of the role of the MAGTF in administrative claims adjudication.
- Location, proximity, and availability of a shore-based Navy Legal Services Office or Marine Corps law centers/facilities/offices capable of in-depth legal research.

- Organization for embarkation, movement to the area of operations, and landing/tactical operations.
- Movement echelon (assault echelon, assault follow-on echelon, and follow-up echelon).

2306. Intelligence

Legal services support planning must involve the study and evaluation of intelligence information which is derived from normal MAGTF sources. Of particular concern to legal services support planners are topographical details; routes of communication; terrain; enemy methods, capabilities, installations, equipment, and activities; climate; and social, economic, political, legal, and religious characteristics of the operations area. All of these factors affect legal services support planning.

2307. Activation

The legal services support planning nucleus of the MAGTF staff will normally consist of only the staff/senior judge advocate and minimal clerical staff. The nucleus may be a permanent staff or activated from assets in the FSSG. This nucleus may also be augmented through the CSSE as deemed justified by the MAGTF commander. On small MAU-sized operations, augmentation is not likely to be required. Where the MAGTF is MAB size or larger and court-martial support is contemplated, a legal administrative officer should be assigned early in the planning phase. There are no peculiar characteristics of the legal services support which mandate early activation of an entire LSSS or LSST.

2308. Legal Services Support Plans

The LSSS plans are statements of the MAGTF commander. These plans provide information and instructions

required by the LSSS/LSST and other organizations in the MAGTF to implement the commander's decisions and concept of operations for a specific mission. The plans are prepared by the officer in charge of the LSST as part of the combat service support plans in coordination with other CSSE staff officers and the MAGTF staff/senior judge advocate. For MAU-sized MAGTF's, the plans will usually be developed by the senior judge advocate, since no significant legal services support will normally be required.

a. Legal Services Support Plans. Legal services support plans are published as an appendix to Annex P (Combat Service Support) to the MAGTF operations order. Appropriate policy statements related to legal matters will normally be published in Annex E (Personnel) to the operations order and will emanate from the MAGTF staff judge advocate/legal advisor in coordination with the G-1/S-1. The MAGTF G-1/S-1 coordinates the staff work and publishes Annex E.

b. Legal Services Support Section Operation Plans. In large operations where an LSSS and several LSST's are involved, the staff judge advocate of the FSSG/officer in charge of the LSSS may issue specific amplifying instructions to subordinate elements in the form of an operation plan. These instructions will normally be relatively brief and pertain only to LSSS/LSST elements. They are, therefore, not suitable for inclusion in the CSS annex of the MAGTF operations plan. The plan may include the following annexes:

- Task organization.
- Intelligence.
- Communications-electronics.
- Administration.
- Embarkation.
- Landing.
- Distribution.



Legal Services Support Operations

Section I. General

3101. General

Legal services support operations must be understood in terms of their interconnection with supported commands (external) and legal services support section/legal services support team (LSSS/LSST) coordination (internal). Supported commands receive legal services by submitting a Request for Legal Services form (RLS) to the designated legal services support site. Subsequent legal services tasks which require coordination with the supported commands are performed by use of appropriate forms, legal services control documents, and other forms of communication. The statutory and traditional roles and responsibilities of convening authority, reviewing authority, administrative separation authority, and staff judge advocate (SJA) are not altered by the existence of a force service support group (FSSG) legal services support system. However, all legal services and legal documents must be designed for maximum possible efficiency and effectiveness in deference to basic military imperatives.

Consequently, all personnel must fully coordinate and cooperate to achieve that objective. The LSSS internal operations are conducted through one or more LSST's, with the legal services tasks to be performed primarily dictating the precise structure. A more detailed discussion of legal services internal operations is set forth in section 3.

3102. Initiating Legal Services Support

The primary mechanism for triggering legal services support is the RLS form, although the direct referral of a legal problem from a supported commander or higher authority via telephone, message, or document will occur. Legal tasks generated by one of the latter methods are generally unique and are normally processed outside of the standard system. A request for services

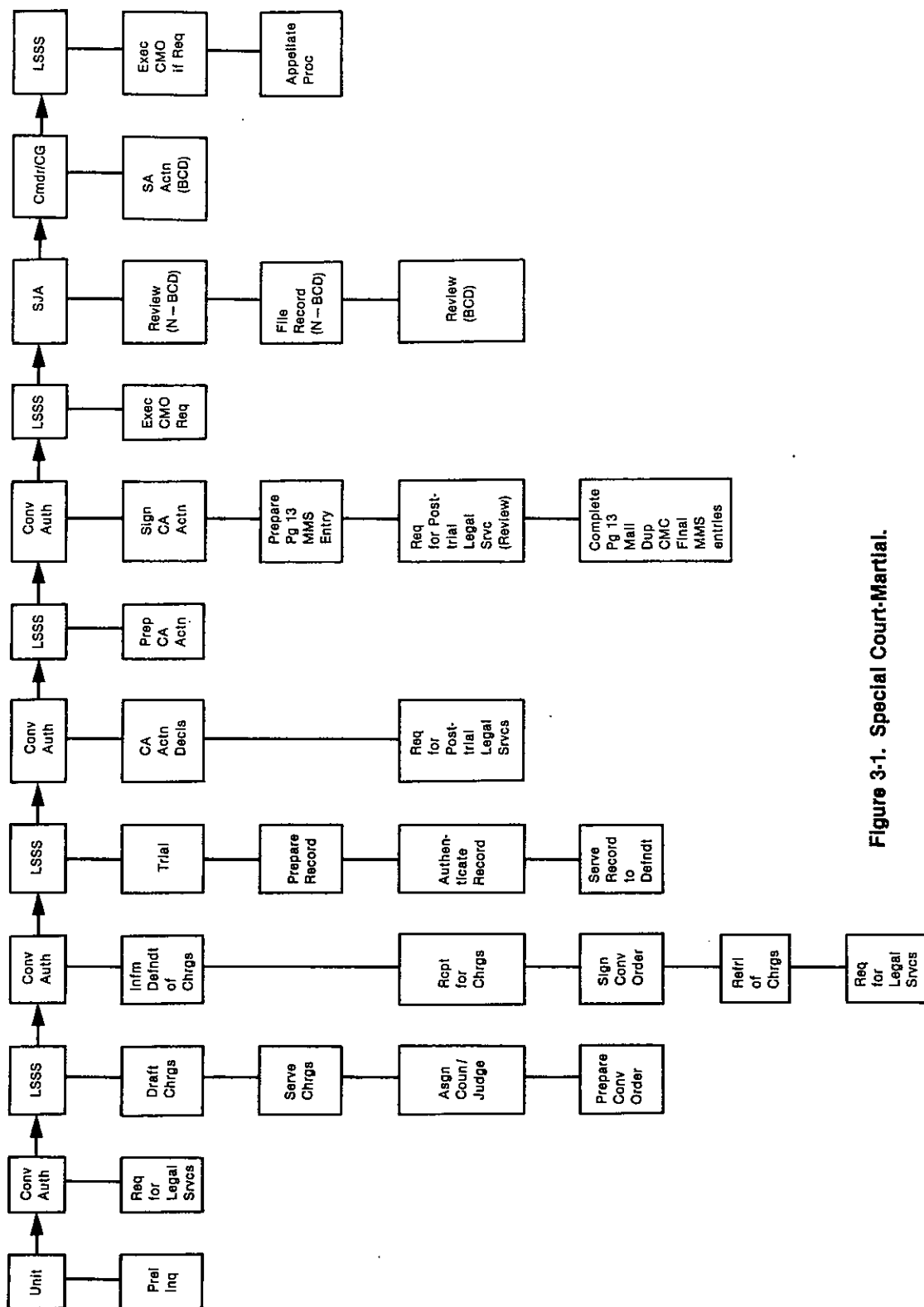


Figure 3-1. Special Court-Martial.

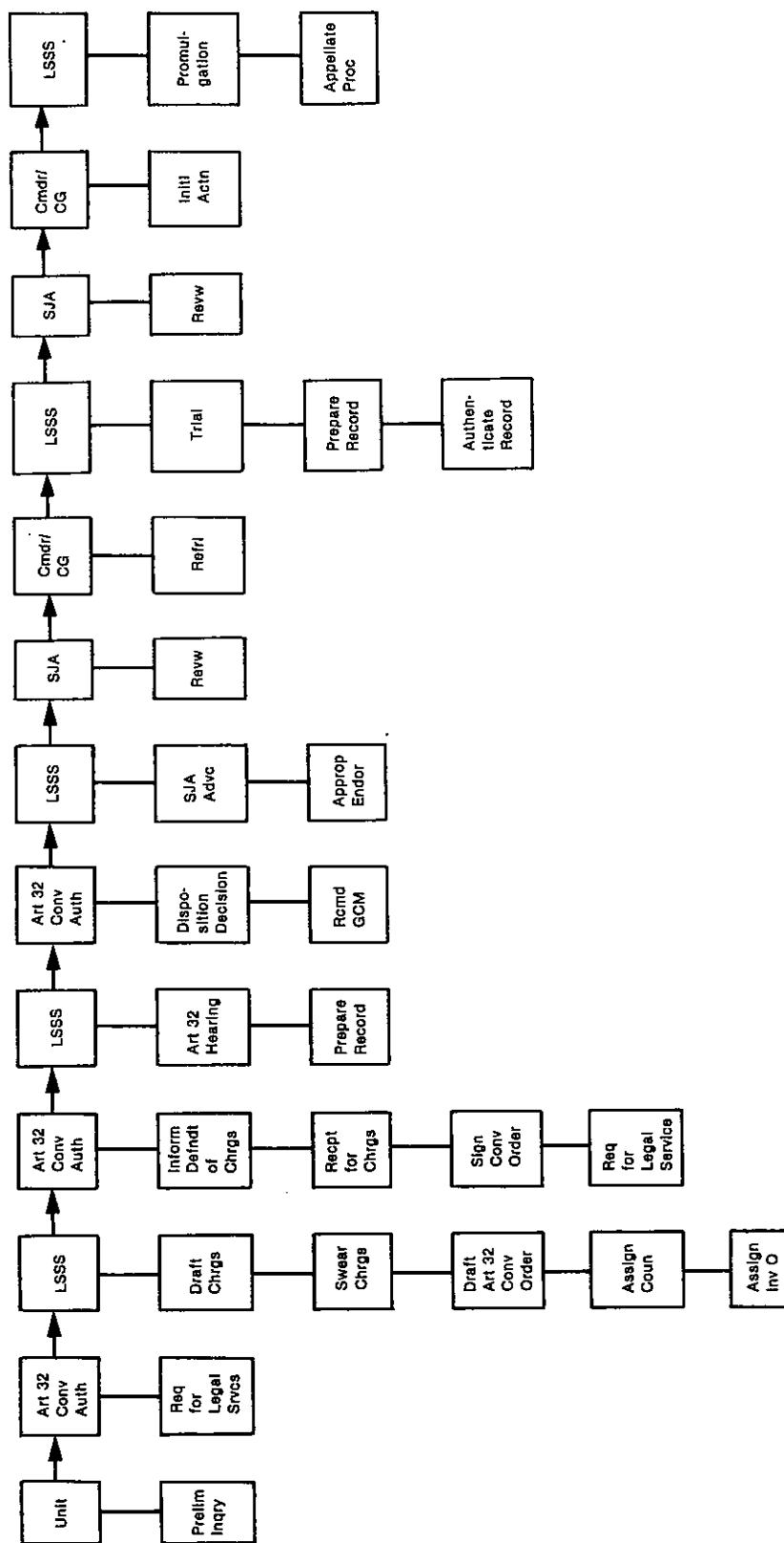


Figure 3-2. General Court-Martial.

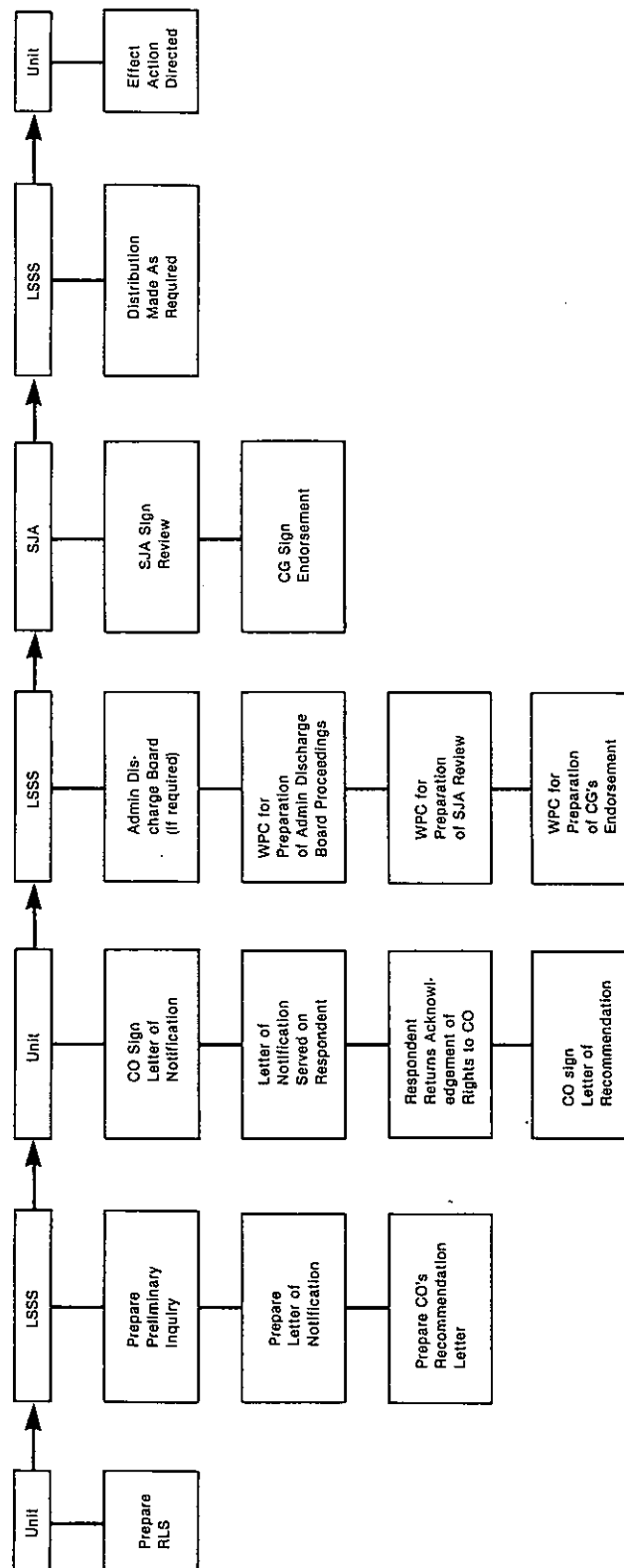


Figure 3-3. Administrative Separations.

may contain a request to draft charges, prepare pretrial documents, prepare court-martial review documents, etc. The receipt of the RLS begins a chain of interaction between the supported commands and the LSSS/LSST which culminates when the last administrative action has been taken on a case. Figures 3-1, 3-2, and 3-3 are flow charts depicting the actions required for processing special courts-martial (SPCM), general courts-martial (GCM), and administrative separation cases. Summary court-martial processing is similar to figure 3-1, so it is not depicted. When operational circumstances permit, the LSSS/LSST should maintain a system for the delivery of legal documents among the LSSS/LSST, the supported commands, and other appropriate units. The following principles govern LSSS/LSST external operations:

- All RLS control forms should be simple, concise, easy to use, and readily recognizable.
- All legal documents should be simple, concise, and easy to use. Conservation of command time is essential. Standard formats should be used whenever possible.
- The LSSS/LSST should handle as much legal administration for the supported commands as they possibly can without allocated resources.
- Stringent performance goals should be set for each function of the LSSS/LSST.
- The officer in charge, LSSS/LSST does not set policy for supported commands unless the officer in charge is also the staff judge advocate of the supported major command in question (e.g., Marine aircraft wing [MAW], Marine division [MARDIV]), in which case, policy emanates from the SJA role.
- Whenever feasible, the LSSS/LSST should endeavor to provide legal advice within the parameters of supported command policy, on routine noncontroversial matters to special courts-martial convening, and subordinate authorities, prior to the initiation of legal procedures by said authorities.

Section II. Internal Operations

3201. General

The basic structure for the LSSS provides for a unified organization of all legal services support functions. The LSST's may be similarly structured but in scaled-down, functionally-consolidated configurations, or they may be organized to perform only certain tasks. Before considering LSSS/LSST external operations, it is essential to consider how the organizations function internally.

3202. Central Legal Services Support Section

The LSSS structure should generally conform to the scheme depicted in figure 3-4. The leadership element consists of the officer in charge, a deputy, a legal services chief, and three legal services clerks. In garrison, the officer in charge is normally the staff judge advocate, FSSG. The officer in charge may also be another judge advocate or legal administrative officer of appropriate grade and experience. Delegation of the LSSS leadership authority by the SJA, FSSG is appropriate when the tempo of operations is such that the SJA does not have the capacity to actively manage the LSSS and perform in the duties of the SJA. In such cases, the SJA nonetheless retains staff cognizance over the LSSS operations.

a. Administrative Support Branch. The Administrative Support Branch consists of one or more legal administrative officers and a legal support chief; a fiscal element to perform internal budgeting and fiscal accounting functions; a property and supply element to perform internal property and supply accounting and procurement functions; a word processing element to provide central automatic word processing

for all legal documents prepared in the office; a publications and reports element to manage the law library, legal publications, and directives systems of the office and satellite teams; and a light motor transport section to provide courier and transportation support. A chaser section may be assigned.

b. Military Justice Branch. The Military Justice Branch consists of a military justice officer, one or more research judge advocates, a legal administrative officer, and a military justice chief. This branch manages all pretrial and trial administration processed by the office, including requests for separation to avoid court-martial. In addition to the foregoing, the following units are assigned:

(1) Military Justice Support Unit. This unit is assigned to process subpoenas and to locate and produce witnesses and other evidence; arrange courtrooms, members, and military judges; and provide minimal emergency word processing services in connection with last-minute court-martial preparations.

(2) Court Reporting Unit. This unit is assigned to provide computer-assisted, automatic, and other means of recording and transcribing courts-martial records.

(3) Prosecution Unit. Consisting of judge advocates, trial specialists, and trial clerk-investigators, this unit conducts the prosecution of courts-martial.

c. Defense Branch. The Defense Branch consists of judge advocates and trial clerk-investigators to defend

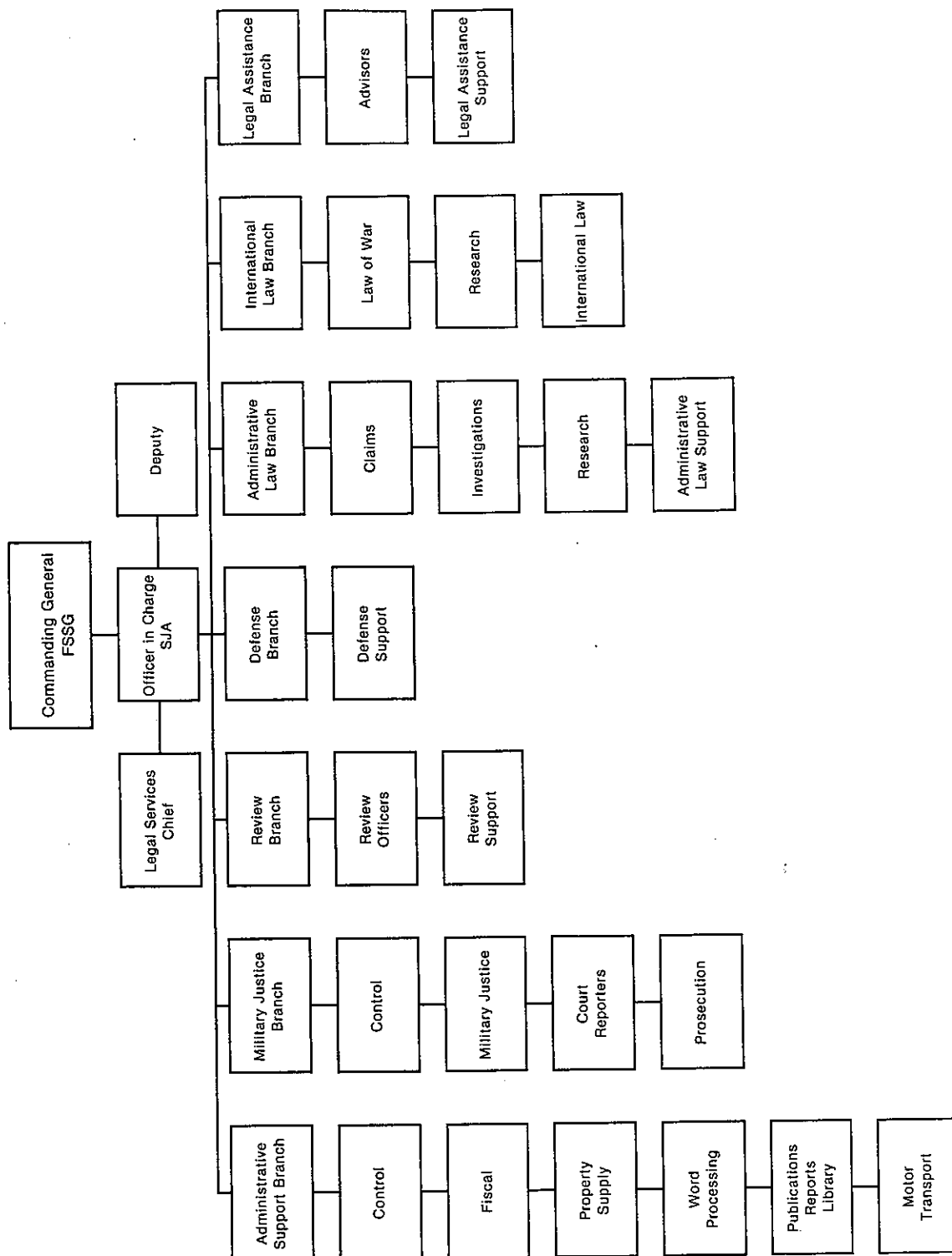


Figure 3-4. Consolidated Legal Services Support Section.

court-martial accused and administrative separation proceeding respondents, and to provide such other legal defense services as are required by statute or regulation.

d. Court-Martial Review Branch. The Court-Martial Review Branch consists of one or more judge advocates and legal clerks. It is responsible for all administrative aspects of reviewing court-martial records and nonjudicial punishment appeals processed by the office.

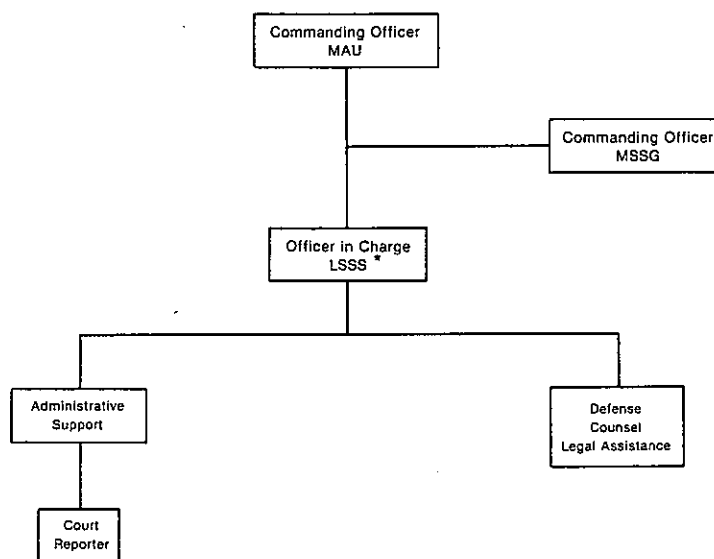
e. Administrative Law Branch. The Administrative Law Branch processes the reviews of administrative claims (except personnel claims), injury/death administrative investigations, supply investigations (when an advisory opinion is requested or required), and processes all administrative separations in which judge advocate counseling, representation, or review is required by law or regulation, less requests for separation to avoid court-martial. This branch also reviews and researches any environmental, regulatory, and other administrative law problems submitted to it. It is normally staffed with one or more judge advocates, a legal administrative officer, one or more claims investigator-clerks, and minimal typing support.

f. International Law Branch. The International Law Branch, consisting of one or more judge advocates and minimal clerical support, provides research and training assistance services for international law, law of war, and other treaty matters; trial observer/reporting services for foreign trials involving U.S. citizens; and other similar services involving legal functions of a foreign government.

g. Legal Assistance Section. The Legal Assistance Section, consisting of one or more judge advocates and minimal clerical support, provides legal assistance to personnel for advice on legal matters related to contracts, wills, powers of attorney, adoptions, etc., which cannot reasonably be provided by a base or station legal assistance office.

3203. Legal Services Support Teams

Figures 3-5 and 3-6 depict LSST internal structure for a Marine amphibious unit (MAU) LSST and a Marine amphibious brigade (MAB) LSST respectively. Note that as the organization becomes smaller, the functions



* Normally the MAU Senior Judge Advocate

Figure 3-5. Marine Amphibious Unit Legal Services Support Team.

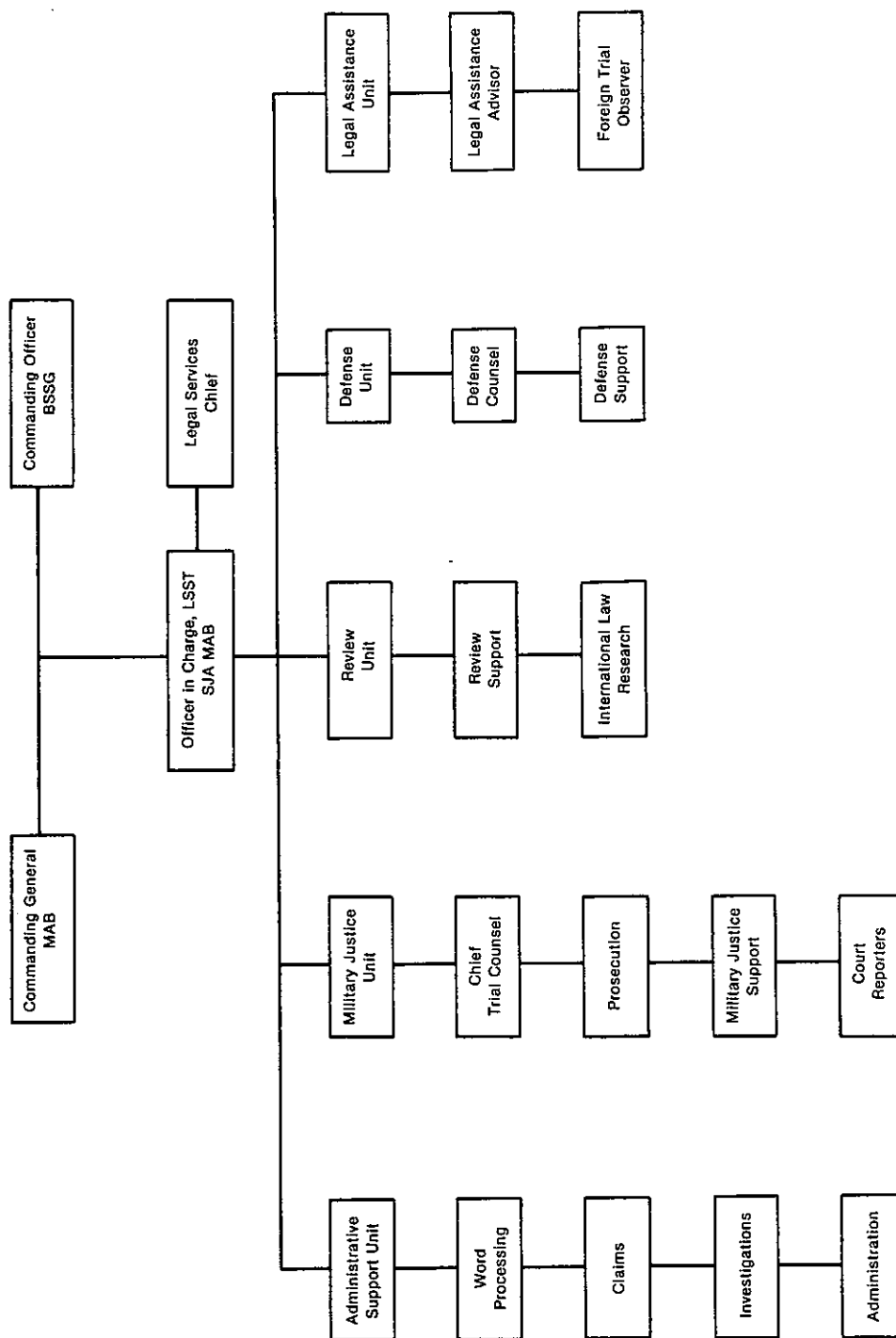


Figure 3-6 Marine Amphibious Brigade Legal Services Support Team.

are consolidated into appropriate groups. Similar changes occur in the garrison residue to offset resources lost to Marine air-ground task force (MAGTF) commitments.

3204. Word Processing

The hub of any LSSS/LSST is the word processing unit. Disciplinary and administrative separation cases are word intensive and their processing requires maximum efficiency which is achieved through the utilization of manual and electronic word processors. Electronic processors should be used in battery to achieve the best results. Each LSSS branch or unit, as appropriate, prepares a programmed form (developed in coordination with the legal administrative officer and the word processing unit) containing the essentials of the legal document to be drafted. This programmed form must be complete and not require any drafting, review, or completion by the word processing element. Utilizing the appropriate programmed format contained in the word processing library, the essential information is put through the word processors and printed as a completed document. The document is then returned to the originating element/section for proofreading, corrections, instructions, or other appropriate action. The document recycles until it is correct. This procedure permits each element to concentrate on its unique research, technical, and administrative tasks while typing tasks are not interrupted. The number of personnel required to perform each legal services task is reduced because of the increased typing efficiency. The efficiency gained thereby also creates the flexibility to fragment an LSSS into one or more teams, when necessary, to provide more efficient support to outlying areas or to MAGTF's. The following principles apply to legal services word processing:

a. Task Analysis. Every legal task to be performed by the LSSS/LSST must be minutely analyzed to determine what actions must be accomplished, the sequence of those actions, the time limits within which they must be completed, the precise legal documents

which must be produced, and the action which must be accomplished by, or in coordination with, supported commands. Initially, tasks are grouped into functional areas (see fig. 3-7) and then broken down into precise detail (see fig. 3-8).

b. Paper-Flow Trunks. Once task analysis has been done, all procedures are organized into a paper-flow trunk, beginning with the receipt of a request for legal services or other documents requiring action. All documents and legal services tasks should stay in the same trunk until one or more must receive separate treatment. Parallel trunks should not be created, and branches should be minimized. For example, all documents may be received in the Administrative Support Branch, date stamped, logged, and delivered to the appropriate action branch. Each branch, also having paper-flow organized into trunks, would follow similar procedure, but would, in addition, accomplish steps peculiar to its function (e.g., a command request for a court-martial also requires the completion of a case data card and the creation of a case folder, programming, and passing the case from the Military Justice Branch to the word processing unit (see fig. 3-9). Each document should be processed with an in-depth view toward simplifying and streamlining all procedures and reducing the time and effort required to complete action. Figure 3-10 is a typical paper-flow diagram for legal services administration.

c. Processing Sequence. Once the paper-flow has been systematically organized, certain processing steps for the LSSS and each branch will have been derived. These must be organized into a sequence which maximizes efficiency and minimizes delay. For example, while a court-martial record of trial is being authenticated by the military judge, an advance copy can be provided to the Court-Martial Review Branch to begin, in rough format, the review process and related document drafting, or while a record of trial is being reviewed by the convening authority in connection with the initial review action, the rough supervisory review process may be commenced. There should be no dead time for any task if it can be avoided.

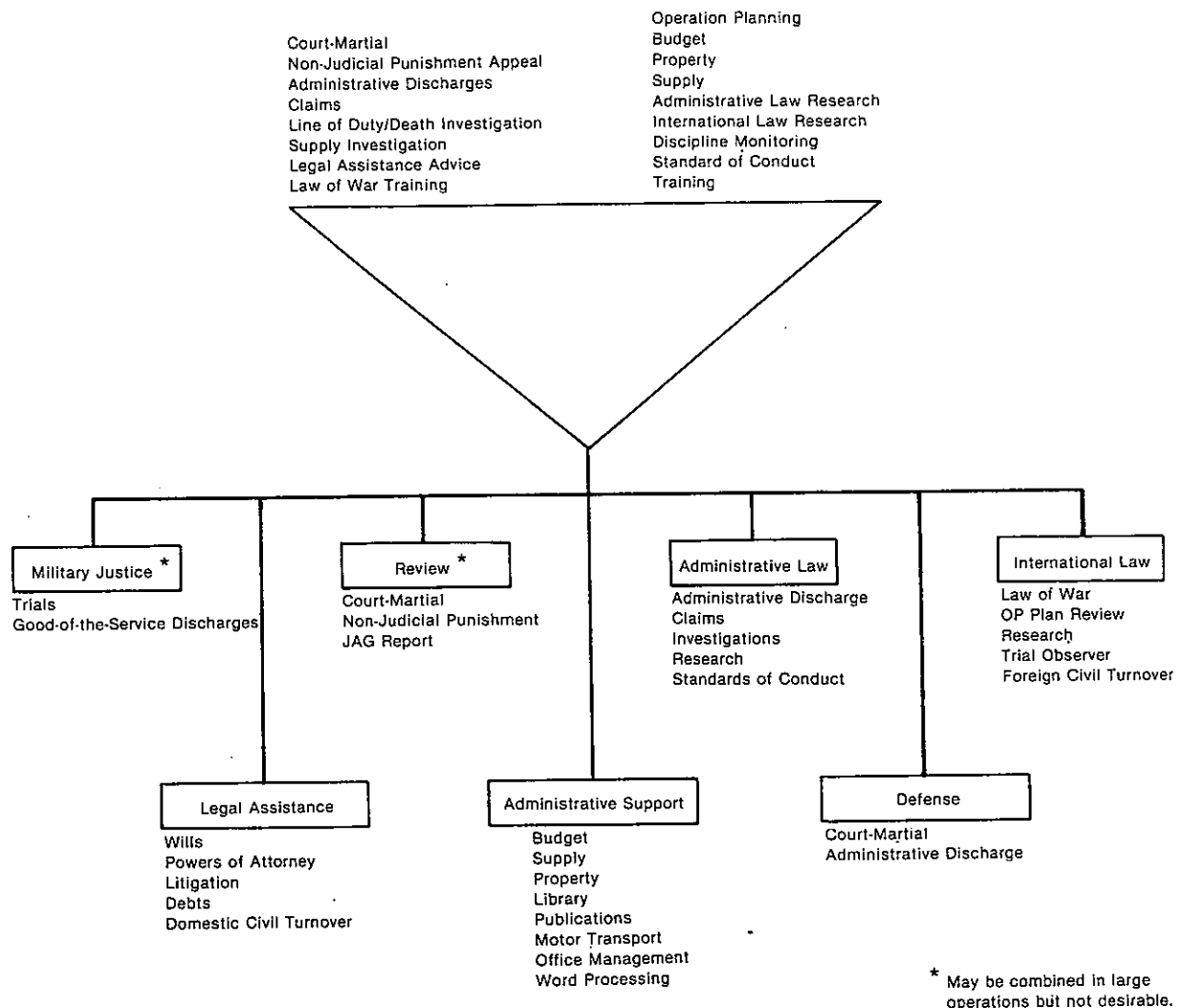


Figure 3-7. Legal Task Grouping Into Functional Areas.

d. Use of Appropriate Equipment. As technology develops more and more sophisticated word processing equipment, the procurement of it tends to take on the aura of shopping for toys rather than tools. Word processors, however, are tools and have varying capabilities. There is also a concomitant tendency, driven by budgetary pressures, to procure the minimum essential word processing capability or to procure identical equipment for an entire command,

without regard to capability or need. At each step of the processing sequence where a typing task must be undertaken, the word processor capability used must be keyed to the documents to be produced. For example, a court-martial charge sheet preparation requires the typing of charges and specifications. The programmed format can be stored in word processor memory software, and when the information supplied by an appropriate, programmed form is received, a

List of Tasks to be Performed

1. Log/account for cases.
2. Prepare case files.
3. Copy preliminary inquiry.
4. Review preliminary inquiry.
5. Draft charge sheet.
6. Draft convening order.
7. Draft legal hold letter.
8. Prefer charges.
9. Swear charges.
10. Convening authority receipt charges.
11. Convening authority sign convening order.
12. Convening authority refer case (special court-martial).
13. Distribute copies of preliminary inquiry, charges, convening order, legal hold letter.
14. Report case status to officer in charge.
15. Try case.

List of Functions Required

1. Reception/file clerk.
2. Knowledgeable SNCO programmer.
3. Judge advocate/military justice officer.
4. Additional legal hold clerk, if required.

Organization of Tasks Into Procedure

RLS requests SPCM

Military Justice Clerk (auto correction typewriter)

Logs in Military Justice Section

Creates file card (figure 4-15)

Creates case file

Makes three copies

Passes to military justice chief

Military Justice Chief (program forms)

Reviews preliminary inquiry

Prepares charge sheet form

Prepares convening order form

Prepares legal hold form

Retains file card

Logs charge sheet/convening order to word processing

Passes to military justice clerk

Military Justice Clerk

Holds case file

Sends charges/convening order to word processing

Type legal hold form

Word Processing (word processors)

Types charge sheet

Stores charge sheet information

Types convening order

Returns to military justice clerk

Military Justice Clerk

Documents to case file

Passes file to military justice chief

Military Justice Chief

Approves final drafts

Signs charges as accuser

Reports to military justice officer

Military Justice Officer

Checks charge sheet/convening order

Reviews preliminary inquiry

Gives oath to chief

Signs oath on charge sheet

Returns file to military justice chief

Military Justice Chief

Notes file card

Passes charges/convening order to convening authority

Notes file card

Instructs clerk

Military Justice Clerk

Retains case file

Forwards charge sheet to convening authority

Convening Authority

Signs convening order

Signs referral on charge sheet

Returns to military justice clerk

Military Justice Clerk

Collates case file

Passes to military justice chief

Military Justice Chief

Notes file card

Checks package

Gives distribution orders to military justice clerk

Notes file card of distribution

Passes to military justice clerk

Military Justice Clerk

Distributes copy of charges/convening order and preliminary inquiry letter to trial counsel (TC), defense counsel (DC), and file

Sends out legal hold letter

Compiles status report to officer in charge

Figure 3-8. Sample Task Analysis: Referral to Special Court-Martial, Military Justice Section.

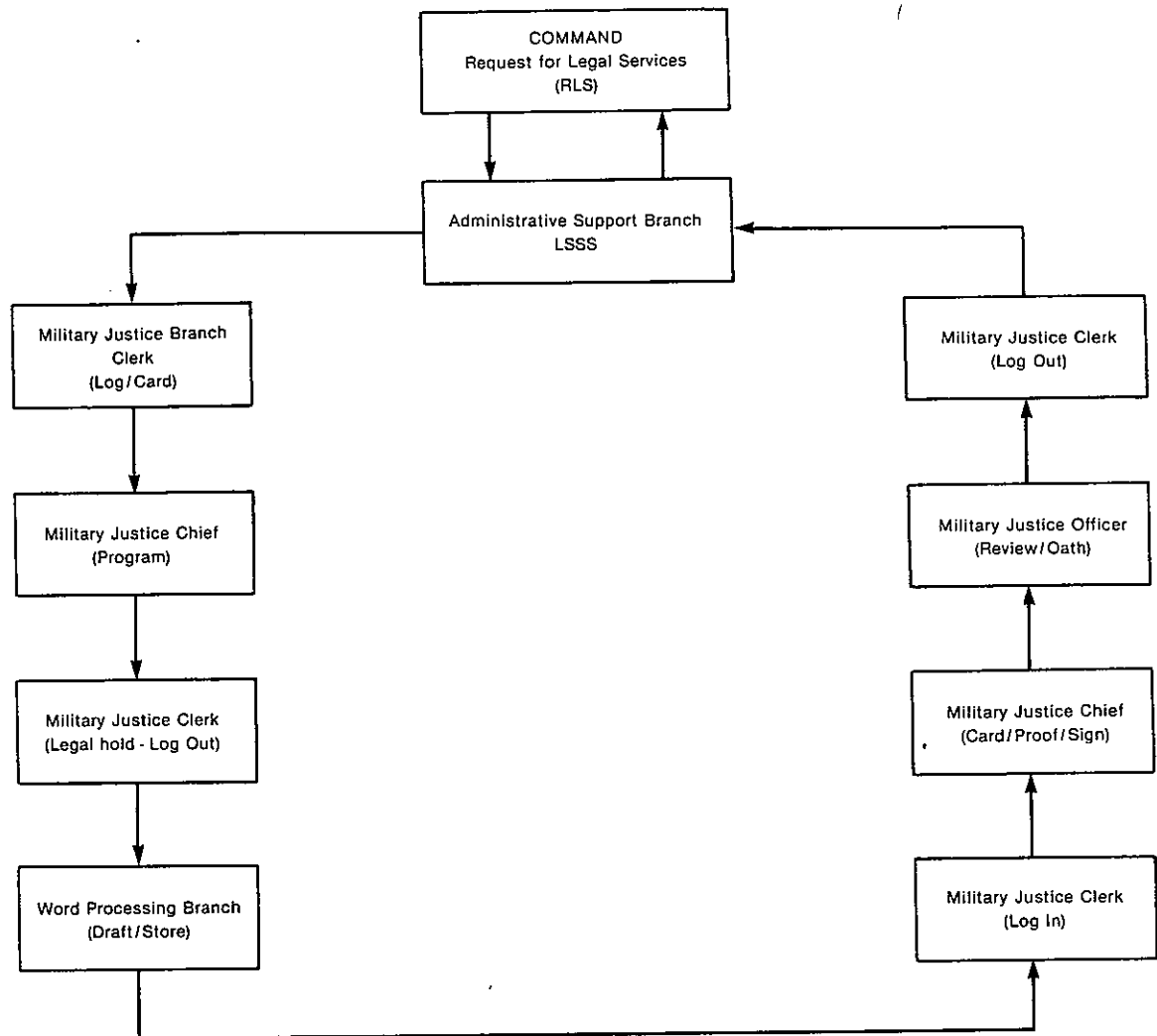


Figure 3-9. Military Justice Paper-Flow.

completed charge sheet for a given case is efficiently produced. That precise information is also required to produce a court-martial order at the appropriate time following the trial. Consequently, to avoid tedious retyping of identical or nearly identical information, page two of the completed charge sheet must be stored on memory software so it can be retrieved at the time the court-martial order is prepared. Pure power-typing word processors do not possess the requisite capability to perform such tasks. Computer assisted court-martial record transcription processors are best-suited to the production of records of

trials, and ill-suited to other legal services tasks. Other typing tasks are best performed by automatic-correcting typewriters or power-typing display writers or even by pencil. The principle of economy will generally dictate that documents more efficiently prepared by less sophisticated processors be processed with those assigned to more sophisticated processors, to avoid undue multiplication of processing equipment and related expense. Utilization of a sophisticated processor for less sophisticated work is more cost-effective than reducing its workload in favor of a proliferation of less sophisticated processors.

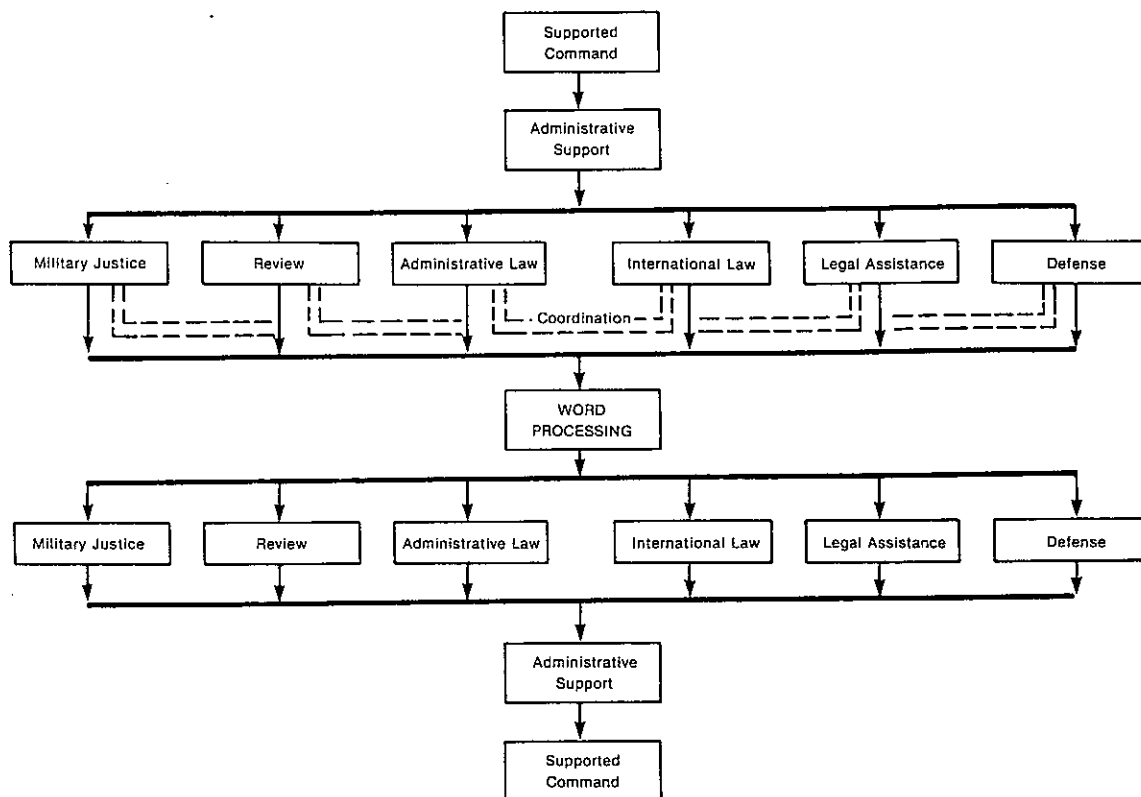


Figure 3-10. Schematic of General Internal Paper-Flow Within the Legal Services Support Section.

Each LSSS/LSST should have a mix of word processing equipment, each type suited to its tasks and in harmonious balance of requirements to expense. Procuring word processors of some type and then trying to make the work fit the word processor capability is wasteful and must be avoided. Elaboration of simple documents or using original typing where forms will do, simply because word processors are available, must also be avoided. The amount of equipment must be adequate, not minimal; minimal equipping is false economy. Legal administration is controlled by tight time standards which, in combat circumstances,

become much more difficult to meet. It is invariably characterized by a peak-and-valley workflow. Consequently, the amount of word processing equipment must be sufficient to permit rapid processing during peak workloads, even if, during periods of low workload, the processors are not used to full capacity. Adequate capability for expected fragmentation of the LSSS into LSST's must be possessed at all times. In this connection, it is advisable for each electronic word processor operator to have a complete library of software in order to maintain maximum flexibility.

Section III. Legal Services Support External Operations

3301. General

Figures 3-1 through 3-3 generally depict how the FSSG interacts with the supported commands to accomplish its legal services mission. Other sections of this manual have indicated that the potential flexibility is theoretically limited only by imagination and assigned resources. This section deals with the tailoring of the LSSS organization to support external legal services commitments.

3302. LSSS/LSST Personnel Assignment

Trained legal services personnel are the most limited of legal services resources. While MAGTF legal services support structures may be infinitely varied, there are some personnel guidelines which apply so as to set outward limits on that flexibility. Actual operational considerations may require a much smaller legal services support structure than is herein suggested for a given MAGTF, but seldom will legal services support requirements cause the allocation to be changed upward. When that does occur, it will normally be because a large composite Marine amphibious force (MAF) has been organized. In such cases, intra-MAF coordination of legal services support will be required. Excluding unusual circumstances, the MAGTF and/or LSST judge advocate strength should never exceed the ratio of 1 judge advocate for every 650 ground personnel, plus 1 judge advocate for every 1,400 aviation personnel, exclusive of military judge requirements. Within the LSSS/LSST, a maximum ratio of two enlisted for each officer applies.

a. Marine Amphibious Force. At the present time, personnel strength required to sustain full legal services support is approximately 44 judge advocates,

4 legal administrative officers, and 88 enlisted clerks/court reporters and other Marines, including clerical support for Navy-controlled military judges.

b. Marine Amphibious Brigade. The maximum personnel strength required to sustain full legal services support in the MAB is 9 judge advocates, 1 legal administrative officer, and 20 enlisted Marines, exclusive of military judge enlisted support.

c. Marine Amphibious Unit. The MAU can be fairly self-sustaining with two judge advocates and two experienced legal services clerks, provided one clerk also has a court reporting skill.

d. Composite MAF. If a MAGTF is partly or fully composed of organizations external to the MAF to which it is assigned, the FSSG of the contributing MAF will augment the combat service support element (CSSE) of the MAGTF with a proportionate share of judge advocates not to exceed the ratio of 1 judge advocate for 650 personnel (ground) plus 1 judge advocate for 1,400 personnel (aviation) composing the contributed force. Enlisted contributions should not exceed a ratio of two per officer contributed.

3303. LSSS/LSST Employment

Given the foregoing guidance, LSSS's can be configured to support a variety of operational situations. Figures 3-1 through 3-14 are schematic diagrams of several examples of LSSS employments. A brief discussion follows:

a. MAF LSSS: Early Operation Stage. Figure 3-11 depicts a relatively early legal services operation stage with full legal services employed. The LSSS is located with major headquarters in Area A, supporting all of the MAF commands. When the division/wing/FSSG/MAF flags went ashore, only minimal legal services support was available. At the appropriate stage of the operation, the LSSS was employed at the FSSG headquarters. The SJA, FSSG manages the LSSS. At this stage of the operation, legal services is acceptably provided to forward commands as needed, through movement of paperwork to the central facility and the use of trial contact teams. An LSST is required to support fixed-wing aircraft organizations. A forcible entry circumstance may effect the day of initial LSSS operations, but not necessarily the structure of the early stages of legal services support. Depending on circumstances and the planned scheme of maneuver, an LSST might be moved forward with the Combat Service Support Detachment supporting Area D in anticipation of supporting those commands in their final positions.

b. MAF LSSS: Stabilized Stage. Figure 3-12 depicts the MAF LSSS structure at a later and more stable phase of an operation under conditions of relative permanency. The LSSS is located in Area A under the direction of the SJA, FSSG. An LSST is administratively attached to Headquarters Battalion, Division (Area B) and placed under the direction of the SJA, Division, who also becomes the Officer in Charge of the LSST. A second LSST is attached to a Combat Service Support (CSS) Detachment to serve Area D. Area E is covered by the LSSS in Area A. Finally, Area F is covered by a MAU-sized LSST, augmented as needed by contact teams from Area B.

c. MAF LSSS: Garrison Deployed. Figure 3-13 is a schematic of the LSSS organization for a peacetime, foreign-deployed MAF in garrison. Note the use of major command SJA's as officers in charge of the LSST's. This sort of configuration is essential in

circumstances where the MAF has off-site legal service support requirements caused by training movements and exercises, contingency deployments, and/or units located at very remote places in foreign lands. Such commitments require excessive travel/stay time for relatively little work accomplished, and cause a concomitant loss of efficient employment of personnel for the bulk of MAF legal work. The elimination of unnecessary layers of supervision frees sufficient judge advocates to support trial contact teams, without disrupting caseloads of the judge advocates supporting the main body of the MAF. Careful selection of LSST sites husband the necessary enlisted personnel. If adequate transportation is available, the SJA, Division could reasonably double-hat as Officer in Charge of the LSST supporting Areas C and D, although it would be more convenient for the Officer in Charge, also acting as Deputy SJA, Division to do so. If maximum personnel efficiency were required, a large LSST in Area A could provide all legal administrative services except trial/defense counsel which would be located at Areas A, C, and F. Legal assistance to Areas B, C, D, and F is probably most efficiently provided by circuit-riding legal assistance contact teams.

d. LSSS: CONUS Garrison. Figure 3-14 depicts a CONUS-garrisoned MAF with intact and functioning MARDIV/MAW/FSSG headquarters. The commands are spread over a large land area. An LSSS and LSST's are located so as to support the several commands and yet be mutually supporting, especially in Areas A, B, and C. The LSST located in Area C could also be located in Area D. An LSST is assigned by the Commanding Officer, FSSG Detachment in Area E to the SJA, MAW and a similar situation exists in respect to Area F. Further consolidation of legal services support between FSSG and the appropriate base/station commands is feasible but not always desirable in view of the degree of operational readiness required in the FSSG to support constant training exercises and contingency deployments. Such consolidations should be undertaken with caution. When done, such consolidations should conform to the principles set forth in this manual.

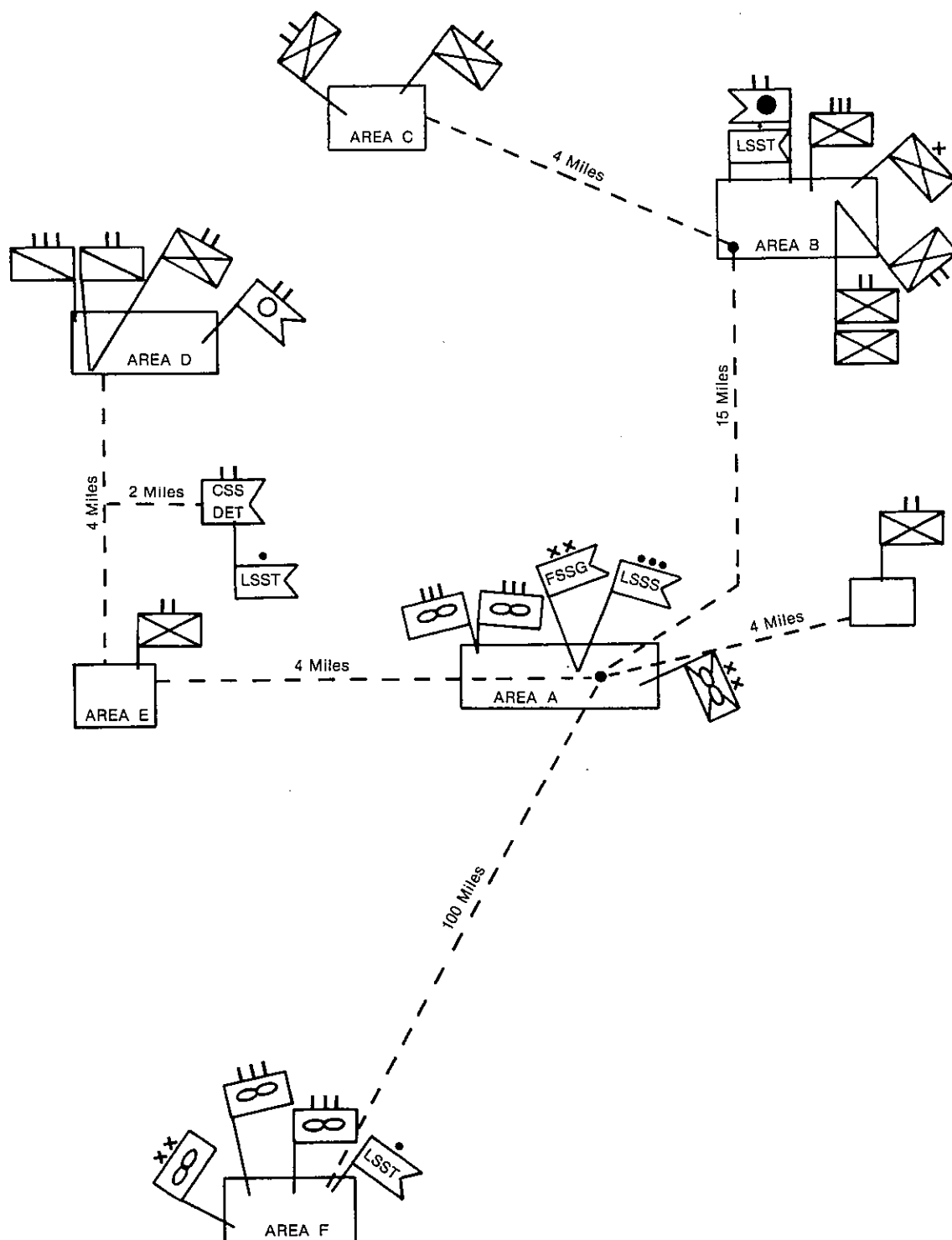


Figure 3-12. Marine Amphibious Force Legal Services Support Section Deployed: Stabilized Circumstance.

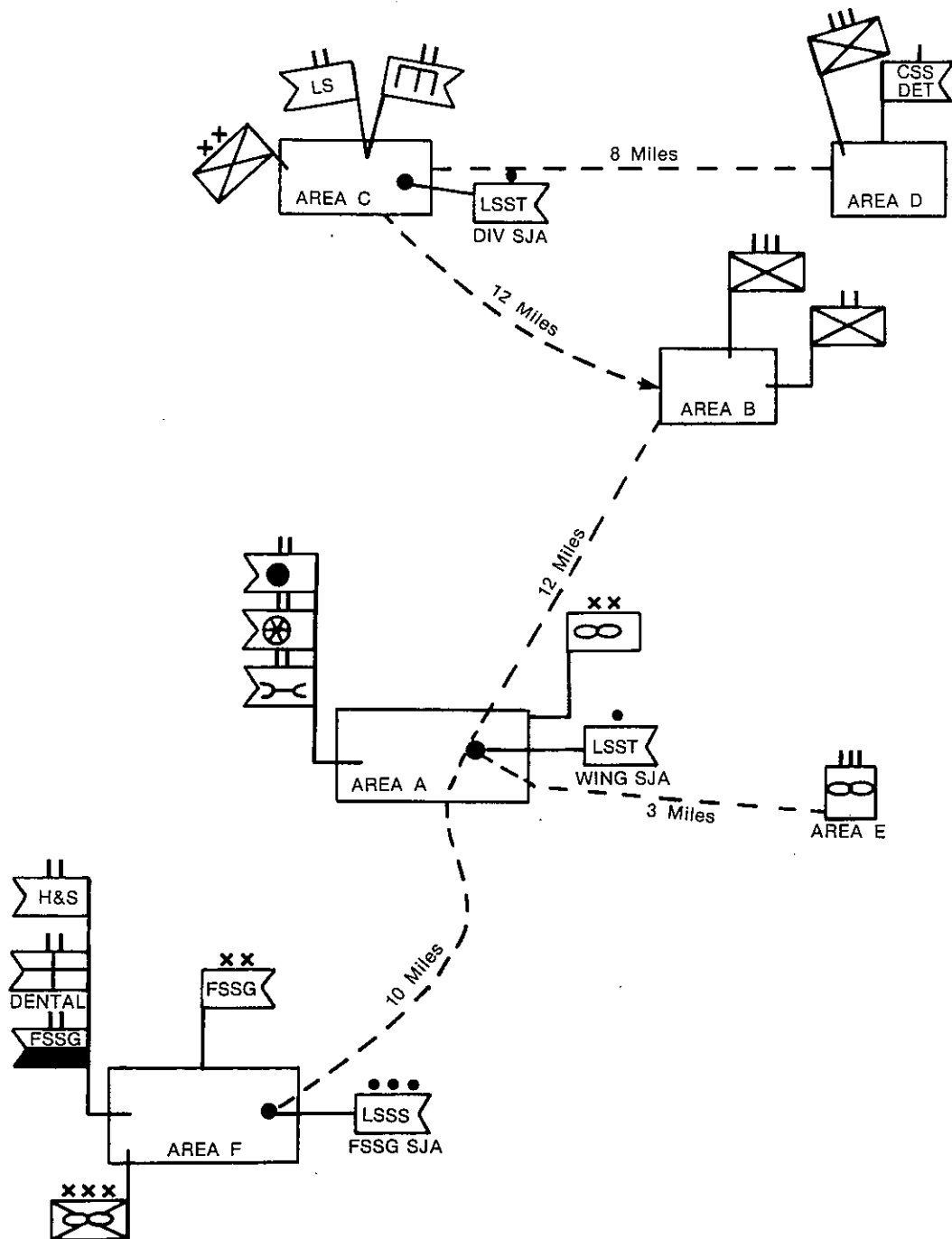


Figure 3-13. Marine Amphibious Force Legal Services Support Section Garrison: Foreign Deployment.

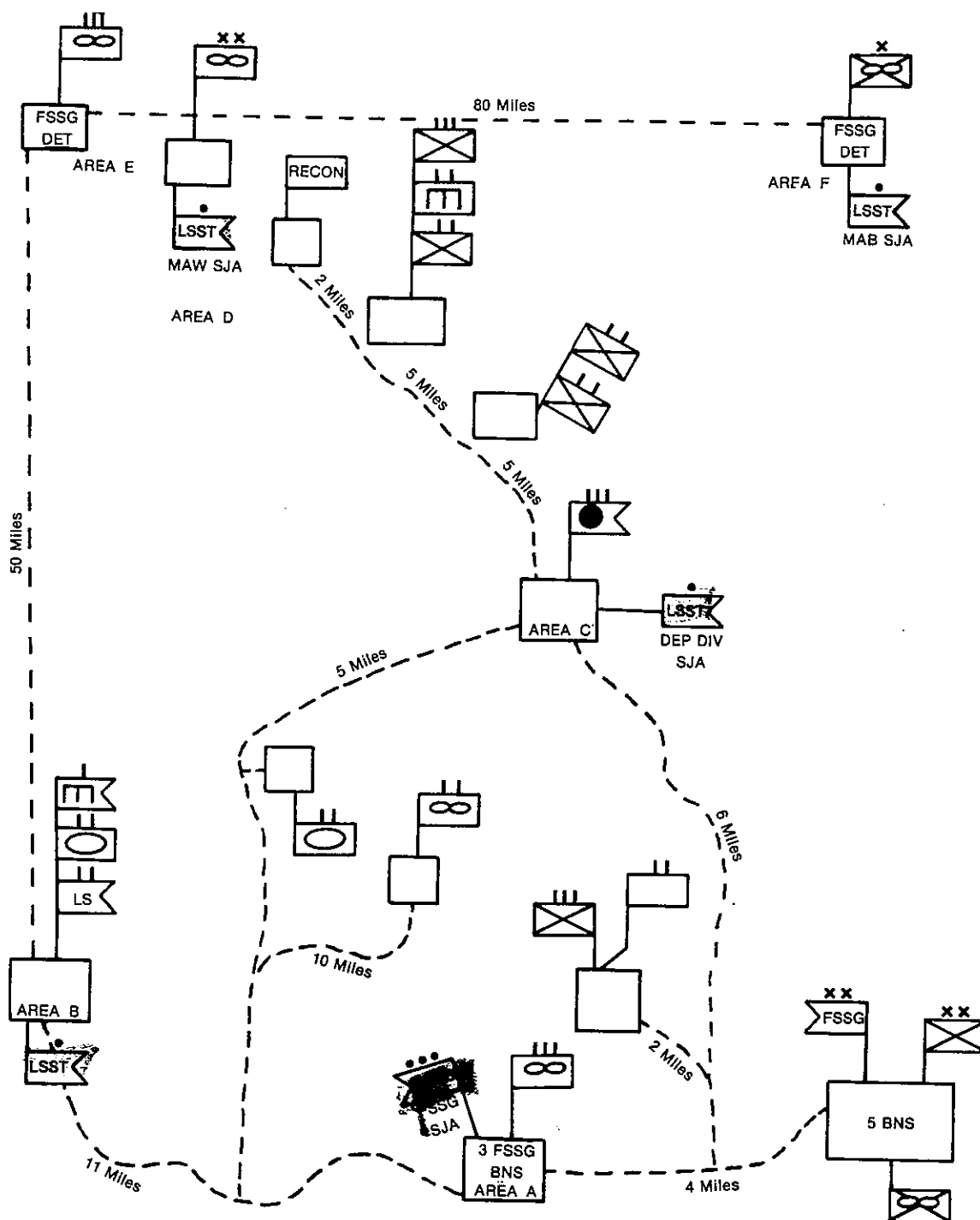


Figure 3-14. Marine Amphibious Force Legal Services Support Section: CONUS Garrison.

The image displays three military legal forms. The top-left form is 'REQUEST FOR APPELLATE LEAVE' (OH 4-10), which includes sections for 'NAME OF ACCUSED', 'TYPE CASE', 'LAST NAME', 'ORG', 'ICM#', 'VIO', 'REQUEST FOR RESIGNATION/COMMITMENT', 'POWER OF ATTORNEY', 'PREDISCHARGE EVALUATION', 'PSYCHIATRIC EVALUATION', 'POWER OF ATTORNEY', 'ACKNOWLEDGEMENT OF RIGHT', 'JUSTIFICATION FOR INJUNCTION', 'COMMANDING GENERAL', 'REQUEST FOR APPEAL', 'APPROVED', 'DISAPPROVED', and 'REMARKS'. The top-right form is 'PENDING COURT-MARTIAL' (OH 4-10), which includes sections for 'NAME OF ACCUSED', 'NAME & RANK OF TRIAL COUNSEL', 'NAME & RANK OF DEFENSE COUNSEL', 'NAME & RANK OF MILITARY JUDGE', 'CHARGES (B) AND SPECIFICATIONS (B) - PLAIN LANGUAGE', 'PLEAS', 'SENTENCE', 'NATURAL DEPORTMENT', 'SIGNATURE OF TRIAL COUNSEL', and 'DISTRIBUTION'. The bottom form is 'RESULTS OF TRIAL (PRINT LEGIBLY)' (OH 4-10), which includes sections for 'NAME OF ACCUSED', 'NAME & RANK OF TRIAL COUNSEL', 'NAME & RANK OF DEFENSE COUNSEL', 'NAME & RANK OF MILITARY JUDGE', 'CHARGES (B) AND SPECIFICATIONS (B) - PLAIN LANGUAGE', 'PLEAS', 'SENTENCE', 'NATURAL DEPORTMENT', 'SIGNATURE OF TRIAL COUNSEL', and 'DISTRIBUTION'.

Legal Services Documents and Forms

Section I. General

4101. General

Two general categories of forms are used to discharge legal functions: legal services support forms and documents, and legal forms and documents. Legal services support forms are those forms used in connection with the obtaining of legal administrative services. The request for legal services is an example. Legal documents and forms are the legal papers executed to implement a legal decision. Wills, powers of attorney, charge sheets, staff judge advocate (SJA) reviews, and court-martial records are examples of legal forms and documents. Legal services support forms and documents must be simple and concise and convey essential information. Regardless of the word-intensive nature of legal processes, the principle of simplicity must be vigorously applied. To enhance understanding, this chapter discusses documents and forms by legal services support section (LSSS) branch, and in sequence of use, without

regard to their general character. These forms are merely examples of how to apply the principle of simplicity in the face of legal technicalities, are not meant to be mandatory, and are subject to evolutionary change. Only the most significant documents and forms are discussed.

4102. Principles

There is an infinite variety of legal and legal services forms and documents. Some have a specifically prescribed form and content which cannot be changed. Many regulations and manuals suggest both forms and document content for performing the legal functions. Still other legal and legal services forms and documents have no prescribed form or content. Legal administration is

further complicated by constant changes in law and regulations which affect legal and legal services forms and documents. The intellectual, conservative, and word-intensive characteristics of the legal profession combine to create a significant tendency to expand legal documents well beyond legal and regulatory requirements. Aggressive and stringent application of the principles discussed in chapter 1, section I is required to

reduce the tendency for legal and legal services documents to be unduly complicated. Legal services forms and documents must be simple, concise, and convey only essential information, since such documents are often used by clerks and others who are not trained in law or legal administration. Furthermore, conservation of the commanders' time is an administrative imperative in military organizations.

Section II. Command Initiated Forms/Documents

4201. Request for Legal Services

The request for legal services is the command-generated document which triggers legal services work. This document may be used to request either involuntary administrative separation support or court-martial services, and is designed as a fill-in-the-blank-with-pen-and-ink support form. It also indicates the commander's recommendation should an accused at a court-martial request an administrative separation in lieu of a court-martial. Figure 4-1 is an example of a simple RLS. The preliminary inquiry and supporting documents are attached to the RLS, and the service record book (SRB), or a copy thereof, accompanies the RLS.

4202. Preliminary Inquiry

This is normally a command-conducted, informal inquiry into suspected misconduct. However, it may consist of

a more extensive investigative report from the Naval Investigative Service (NIS) or from the provost marshal. The Judge Advocate General (JAG) Manual format need not be followed. Reports to the commander should be as brief as is consistent with clarity, and supporting documents/statements should be attached, but these documents/statements need not be restated in the report. For an example of a preliminary inquiry, minus enclosures, see figure 4-2.

4203. Pretrial Confinement Over 30 Days

Figure 4-3 depicts a format for requesting approval for continuing pretrial confinement in excess of 30 days. It is designed for handwritten, fill-in-the-information use, and has sufficient space for a concise justification. Supporting documents can be attached to it.

REQUEST FOR LEGAL SERVICES

NAME OF ACCUSED/RESPONDENT		RANK/SSN/MOS/UNIT	
DOCUMENTARY EVIDENCE ATTACHED		SRB ATTACHED	
<input type="checkbox"/> YES <input type="checkbox"/> NO (IF NO, EXPLAIN IN REMARKS, BELOW)		<input type="checkbox"/> YES <input type="checkbox"/> NO (IF NO, EXPLAIN IN REMARKS, BELOW)	
REQUEST APPROPRIATE LEGAL SERVICES FOR:			
<input type="checkbox"/> TRIAL BY SCM <input type="checkbox"/> TRIAL BY SPCM <input type="checkbox"/> ART. 32, PRETRIAL INVESTIGATION <input type="checkbox"/> MISCONDUCT DISCHARGE BY REASON OF: _____ <input type="checkbox"/> HOMOSEXUAL DISCHARGE <input type="checkbox"/> OTHER (EXPLAIN IN REMARKS, BELOW) AN <input type="checkbox"/> HONORABLE <input type="checkbox"/> GENERAL <input type="checkbox"/> OTHER THAN HONORABLE <input type="checkbox"/> ENTRY LEVEL <input type="checkbox"/> RETENTION IS RECOMMENDED.			
Should the accused qualify for and submit a request to be discharged with an other than honorable discharge for the GOOD OF THE SERVICE in order to avoid trial by court-martial, I would recommend approval of such a request: <input type="checkbox"/> YES <input type="checkbox"/> NO			
REMARKS:			
SIGNATURE OF CO OR DESIGNEE BY DIRECTION		DATE:	

(To be completed in pen and ink and submitted to appropriate LSSO/LSST)

Figure 4-1. Form Request for Legal Services.

OPNAV 5216/144 (REV. 6-70)
S/N 0107-L F-778-8099

DEPARTMENT OF THE NAVY

Memorandum

DATE:

FROM : GySgt I. M. INVESTIGATION

TO : Commanding Officer, Headquarters and Service Company, Headquarters and Service Battalion

SUBJ : Preliminary Inquiry; case of Pvt Millard P. ROUSTABOUT

Encl: (1) Statement of HUGHES
(2) Statement of BARNES

1. Enclosures (1) and (2) contain credible allegations that SNM cut PFC HUGHES on the arm with a knife on 1 Jan 1982.
2. The facts indicate the PFC HUGHES and SNM got into an argument over each other's ability to drink quantities of beer. Without any provocation by HUGHES, SNM pulled a 7-inch knife and sliced an 8-inch gash in HUGHES' arm.
3. The facts describe the offense of aggravated assault. In view of the serious nature of the alleged misconduct, a general court-martial is recommended.

Figure 4-2. Simple Preliminary Inquiry Report.

PRETRIAL CONFINEMENT IN EXCESS OF 30 DAYS

NAME OF ACCUSED	RANK/SSN/MOS/UNIT
COPY OF CONFINEMENT ORDER ATTACHED	ACCUSED PENDING
<input type="checkbox"/> YES <input type="checkbox"/> NO (IF NO, EXPLAIN IN REMARKS AND PROVIDE DATE OF CONFINEMENT AND BRIEF SYNOPSIS OF PENDING CHARGES)	<input type="checkbox"/> TRIAL BY SPCM <input type="checkbox"/> ART. 32 PRETRIAL INVEST.
JUSTIFICATION FOR PRETRIAL CONFINEMENT IN EXCESS OF 30 DAYS	
SIGNATURE OF ACCUSED'S COMMANDING OFFICER	
REMARKS	
COMMANDING OFFICER, _____ ACTION	
PRETRIAL CONFINEMENT IN EXCESS OF 30 DAYS	
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	
SIGNATURE	
DISTRIBUTION BY AC/S, SJA	
ORIGINAL — RETURN TO ACCUSED'S CO DUP ORIG — CO, CORRFAC DUP ORIG — AC/S, SJA FILE	

(To be completed in pen and ink)

Figure 4-3. Pretrial Confinement Format.

Section III. Legal Services Support Section/Legal Services Support Team Forms and Documents

4301. Administrative Support Branch Documents

The primary documents utilized by the administrative support section are the word processing unit work request and assignment (WRA) (see fig. 4-4) and the word processing priority work request (PWRA) (see fig. 4-5). Routine work is submitted to the word processing unit by each legal services support section/legal services support team (LSSS/LSST) branch utilizing the WRA form. The word processing element chief then assigns the work to individual processors. When returned to the originator, the individual word processor is identified so that, if necessary, direct correction communications can occur. The use of the PWRA must be tightly controlled by the officer in charge of the LSSS/LSST to avoid abuse. In the LSSS only the officer in charge, the legal services chief, and the legal administrative officer should approve the use of a PWRA. The PWRA's are given immediate priority by the word processing element. When possible, PWRA's should be printed on colored paper to facilitate their identity as priority items.

4302. Administrative Law Branch Documents

The primary documents used by the administrative law section relate to involuntary administrative separations. The use of an RLS system to process such cases permits the automation of forms which can dramatically reduce processing time. Pertinent regulations must be consulted to precisely determine form requirements, but some forms may have to be redrafted to be better suited to word processing.

a. **Request for Legal Services.** Utilization of a combined court-martial/administrative separation RLS form eliminates the need for a separate RLS for administrative separations. (See fig. 4-1.)

b. **Preliminary Inquiry.** (See par. 4202 and fig. 4-3.)

c. **Notice to Respondent.** The notice to respondent of impending administrative separation can be reduced to a simple fill-in-the-blank form. An example of such a notice is depicted in figure 4-6 for use in cases where board proceedings are required by regulations. Once the RLS is received by the Administrative Law Branch, the preliminary inquiry is reviewed for adequacy of documentation and appropriateness of the course of action indicated on the RLS. Direct liaison with the supported command resolves any complications. The notice is then prepared and forwarded to the supported command along with a copy of the preliminary inquiry for action. This initial preparatory activity by the LSSS/LSST is designed to eliminate potential technical complications in subsequent proceedings. Forwarded with the notice are the following:

(1) **Statement of Rights.** A reproduced copy or summary of the pertinent provisions of applicable regulations which detail all of the respondent's rights in the particular proceedings, and before the board for correction of naval records and the Navy Discharge Review Board.

(2) **Acknowledgement of Rights.** A form to be executed by the respondent acknowledging the receipt of the notice, applicable rights, and indicating which rights are to be exercised and/or waived. Figure 4-7 is an example of such a form.

WORD PROCESSING CENTER WORK REQUEST and ASSIGNMENT		
Subject: _____		
Section: _____ Originator: _____		
# pages: _____ # copies: _____		
<input type="checkbox"/> Rough	<input type="checkbox"/> Dbl Sp	<input type="checkbox"/> Sgl sp
<input type="checkbox"/> Smooth	<input type="checkbox"/> Dbl sp	<input type="checkbox"/> Sgl sp
Date Rec'd: _____		
Typist: _____		
Date Comp'd: _____		
Retain Tape: _____		
Special Instructions:		

Figure 4-4. Word Processing Center
Work Request.

PRIORITY WORD PROCESSING CENTER WORK REQUEST and ASSIGNMENT		
Subject: _____		
Section: _____ Originator: _____		
# pages: _____ # copies: _____		
<input type="checkbox"/> Rough	<input type="checkbox"/> Dbl Sp	<input type="checkbox"/> Sgl sp
<input type="checkbox"/> Smooth	<input type="checkbox"/> Dbl sp	<input type="checkbox"/> Sgl sp
Date Rec'd: _____		
Typist: _____		
Date Comp'd: _____		
Retain Tape: _____		
Special Instructions:		
TIME REQUIRED: _____		

Figure 4-5. Word Processing Center
Priority Work Request.

From:

To: Commanding Officer

Subj: Separation Proceedings; acknowledgement of my rights to be exercised or waived

1. ☐ I acknowledge receipt of the letter notifying me of proceedings to discharge me by reason of _____.
2. ☐ I understand that I am being recommended for separation with a (an) Honorable/General/Other Than Honorable Conditions characterization of service and that the least favorable characterization which I may receive is under Honorable/Other Than Honorable Conditions.
3. ☐ In view of the above, I choose to execute the following rights:
 - ☐ a. I (have) (have not) consulted with counsel. I realize it is in my best interests to do so prior to exercising or waiving any of my rights. Counselor's name is: _____.
 - ☐ b. I (do) (do not) request a hearing before an Administrative Discharge Board.
 - ☐ c. In lieu of a hearing, I (have) (have not) included written statements in rebuttal to this proposed separation.
 - ☐ d. I (do) (do not) desire to obtain copies of documents that will be forwarded to the Commanding Officer, _____ supporting this proposed discharge.
4. ☐ If I requested a hearing before an Administrative Discharge Board, I realize I have the following rights:
 - ☐ a. To be present or represented by counsel if confined by civil authorities.
 - ☐ b. To be represented by military counsel, appointed or of my choice, if available.
 - ☐ c. To be represented by civilian counsel at my own expense.
 - ☐ d. To challenge voting members of the Board or the legal advisor, if any, for cause only.
 - ☐ e. To testify in my own behalf, subject to the provisions of Article 31, UCMJ.
 - ☐ f. At any time during the proceedings I or my counsel may submit recorded matter for consideration by the Board.
 - ☐ g. I or my counsel may call witnesses on my behalf.
 - ☐ h. I or my counsel may question any witness who appears before the Board.
 - ☐ i. I or my counsel may present argument prior to the Board's closing the hearing for deliberations on findings and recommendations.
 - ☐ j. Upon written request to the Convening Authority, to be provided with a copy of the report of the Board and the endorsement thereon.
 - ☐ k. Failure to appear without good cause at a hearing constitutes waiver of my right to be present at the hearing.
5. ☐ I have read and fully understand the Purpose and Scope of NDRB and BCNR.

WITNESSING OFFICER

NAME/RANK/SSN/UNIT

BRANCH OF SERVICE/OFFICIAL CAPACITY

DATE

RESPONDENT

NAME/RANK/SSN/UNIT

BRANCH OF SERVICE

DATE

Figure 4-7. Acknowledgement of Rights Form; Board Proceedings.

(3) **Instructions.** Concise, printed instructions to the command concerning the action to be taken with respect to the notice and subsequent recommendation. (See fig. 4-8.)

(4) **Commanding Officer's Recommendation Form.** Figure 4-9 is a sample form suitable for use when the recommending commanding officer is not in fact acting as a convening authority for separation boards.

d. Commanding Officer's Recommendation. This can be a form letter prepared by the LSSS/LSST for execution by the commanding officer recommending separation proceedings. It should be a simple, fill-in-the-space/check-the-box form. After the notice and rights acknowledgment procedures have been completed, the commanding officer completes the commanding officer's recommendation letter following the instructions attached to the form. After signature, and in accordance with locally prescribed procedures, the notice, preliminary inquiry, and acknowledgement of rights are attached to the commanding officer's recommendation and forwarded to the convening/separation authority (when the separation authority is also the convening authority).

e. Administrative Discharge Board Record of Proceedings. Following the completion of an Administrative Discharge Board, a report of proceedings form (see fig. 4-10), provided by the LSSS/LSST, is completed and exhibits attached thereto. At the same time, the report of the board form is also completed (see fig. 4-11). Thereafter, the package is forwarded to the separation authority for action.

f. Separation Authority Action. There are three primary documents utilized by an LSSS in connection with the action of the separation authority, and all permit simplified form handling:

(1) **SJA Review.** When a staff judge advocate is required to review a separation case, the review

can, in most cases, be recorded via a concise preprinted form. (See fig. 4-12.) At the present time, regulations require no extensive SJA review document such as is the case with courts-martial.

(2) **Brief Sheet.** The essential elements of a case can be concisely handwritten in plain language without legal citation or description on a form which provides space for any specific comments the staff judge advocate wishes to make about the case. (See fig. 4-13.)

(3) **Separation Authority Endorsement.** The final action of the separation authority is recorded by endorsement on the separation package. This document can be a printed form, but normally will be original construction by word processors. It must, nonetheless, be simple and concise. (See fig. 4-14.)

4303. Military Justice Branch Documents

The Military Justice and Court-Martial Review Branches are the most word-intensive of all LSSS branches. While these two branches may be combined, it is better practice not to do so. Military justice serves a prosecutorial purpose while review serves an appellate purpose. Separating these two aspects of a staff judge advocate's responsibility helps assure the objectivity and fairness of the court-martial process. Review documents will be discussed subsequently. Because of the nature of trial work to be expected in an LSSS/LSST, documents tend to be complex. They are, nonetheless, suitable for appropriately designed word processing systems. The primary documents for military justice are discussed as follows:

a. Pretrial Report Card. A simple 5-inch by 8-inch card is a good case control document for all court-martial cases in pretrial processing. It also serves as the source for periodic management reports, and as ready reference for essential information. It may be

INSTRUCTIONS – LEFT SIDE OF FOLDER

The letter on this side of the folder is utilized to forward the recommendation for discharge/retention to the Discharge Authority. This is done after the respondent has returned the ACKNOWLEDGMENT OF RIGHTS STATEMENT to the Commanding Officer. Once returned, the ACKNOWLEDGMENT OF RIGHTS STATEMENT is to be appended to the letter on this side of the folder as enclosure (3). The Commanding Officer is then to sign this letter, date it, and forward it to the Assistant Chief of Staff, Staff Judge Advocate, _____.

The letter on this side should now have three enclosures attached to it:

- (1) Report of Informal Inquiry.
- (2) Copy of the Letter of Notification.
- (3) Acknowledgment of Rights.

INSTRUCTIONS – RIGHT SIDE OF FOLDER

Utilize the letter on this side of the folder to notify the respondent of the proposed discharge action. This is done by the Commanding Officer signing page 2 of the letter, dating the letter, and then delivering it to the respondent. Prior to delivery of the letter of notification to the respondent, reproduce a copy of the signed letter of notification and attach it to the letter on the left side of the folder as enclosure (2). The respondent, with an officer signing as witness, is required to complete and sign the ACKNOWLEDGMENT OF RIGHTS STATEMENT (enclosure (2) to the commanding officer's letter). The respondent should indicate his elections/waivers of rights by appropriate line out and initial where applicable. After completion, the respondent is required to return ONLY the ACKNOWLEDGMENT OF RIGHTS STATEMENT to the Commanding Officer. If the respondent elects to consult with lawyer counsel prior to executing the ACKNOWLEDGMENT OF RIGHTS STATEMENT, he should be directed to report to the office of the Staff Judge Advocate, _____, with notification letter in hand.

Figure 4-8. Sample Separations Instruction Sheet.

From: Commanding Officer
To: Commanding Officer, _____

Subj: Separation Proceedings; case of _____

Ref: (a) MCO P1900.16C

Encl: (1) Report of Informal Inquiry, subject case
(2) Letter of Notification, subject case
(3) Acknowledgment of Rights, subject case

1. Enclosure (1) contains evidence indicating that the subject named Marine merits consideration for administrative discharge by reason of _____
in accordance with paragraph _____ of the reference. The specific basis for separation involved in this is (are):
 - _____ Retained in the Marine Corps.
 - _____ Discharged from the Marine Corps.
3. It is further recommended that if discharge is to be effected, the character of separation be:
 - _____ Honorable.
 - _____ General, Under Honorable Conditions.
 - _____ Under Other Than Honorable Conditions.
4. Enclosure (2) indicates that subject named Marine was notified in writing, in accordance with paragraph _____ of the reference, of the proposed discharge proceedings.
5. Enclosure (3) is the respondent's acknowledgement of rights that he (she) desires to exercise and/or waive.

Figure 4-9. Commanding Officer's Recommendation Form.

PROCEEDINGS OF THE ADMINISTRATIVE SEPARATION BOARD OF:

The Board was called to order by the Chairman at _____ on _____ 198__, under the Commanding Officer, _____, by his Appointing Order Serial: _____ of _____ 198__, as modified, a copy of which was provided to all present and to the Recorder for attachment to the record.

The following members were present:

Chairman _____

Member _____

Member _____

Member _____

Member _____

Member _____

Member _____

Recorder (Not a lawyer certified in accordance with the UCMJ, Article 27.) _____

Counsel for the Respondent (A lawyer certified in accordance with the UCMJ, Article 27.) _____

The following persons named in the Appointing Order were absent:

The absent personnel were excused with the expressed permission of the convening authority.

The Respondent _____, U.S. Marine Corps, was present and had been informed of his rights concerning counsel, and his rights under sections 6303 and 6304 of the Marine Corps Separation and Retirement Manual. The Respondent waived the reading of his rights before the Administrative Separation Board.

The Chairman of the Administrative Separation Board accepted the waiver of the reading of the Respondent's rights.

The hearing concerned a recommendation for an Administrative Separation for _____, U.S. Marine Corps, by reason of _____ based on his _____

The Chairman advised the Board as to their duties, the advisory nature of their recommendation, the applicability of the UCMJ, Art. 31b, to the proceedings, and the procedures to be followed as outlined in the Marine Corps Separation and Retirement Manual. The Respondent was asked if he understood the Chairman's advice, and he indicated that he had no questions.

Figure 4-10. Report of Proceedings, Separation Board.

The Recorder established the jurisdiction of the Board, after which the Chairman gave Counsel for the Respondent and the Recorder the opportunity to enter any special requests or motions.

No special requests or motions were posed.

The Chairman gave the respondent's Counsel and the Recorder the opportunity to question and/or challenge members of the Board.

No challenges were posed.

The Recorder presented the following documents for the Board's consideration:

- Exhibit (1) Copy of the Appointing Order of _____
- Exhibit (2) The basic package of correspondence including enclosures () through () with endorsements.

Counsel for the Respondent posed no objections to the exhibits submitted by the Recorder.

The Board recessed at ____ on _____ 198__, to examine the documents and reconvened at ____ on _____ 198__.

The Recorder called no further witnesses and presented no further evidence.

The Chairman then advised the Respondent as to his right to testify and to present evidence, and the implications of the UCMJ, Art. 31b, upon exercise of waiver of the right to make either a sworn or unsworn statement. The Respondent indicated his understanding of this right and the implications of the alternatives as to testimony.

Counsel for the Respondent called the following witnesses:

Counsel for the Respondent presented the following documents for the Board's consideration:

Counsel for the Respondent concluded the presentation of his case. The Chairman indicated that the Board was not desirous of having further witnesses called or recalled.

The Recorder made an opening argument, arguing for the Respondent's separation.

Counsel for the Respondent made closing argument for the Respondent's retention.

The Recorder made closing argument, arguing for the Respondent's separation.

The Chairman, having concluded that neither the Recorder nor the Respondent's Counsel had anything further to add, advised the Board as to the procedures for establishing their findings, voting procedures, determinations they must make for the record, the standard of proof to be utilized, the necessity for the independence of their individual decisions, and the requisite inclusion in the record should a member desire to submit a minority report.

The Board closed at ____ on _____ 198__.

Figure 4-10. Report of Proceedings, Separation Board (Continued).

UNITED STATES MARINE CORPS
(Organizational Headquarters)

XXX/XXX/xxx
1910

From: Senior Member, Administrative Separation Board Number _____
To: Commanding Officer, _____

Subj: Report of the Board; case of _____

Encl: (1) Record of Proceedings; case of _____

1. The Administrative Separation Board proceedings in the subject case were held on _____
record of proceedings is attached as enclosure (1).

____ That the record of proceedings establishes the general and specific basis for separation upon
proceeding was initiated.

____ That the record of proceedings does not establish the specific basis for separation upon which this
was initiated but does establish a basis for separation predicated upon the general basis of _____
and the specific basis of _____

____ That the record of proceedings does not establish any basis upon which the respondent can be
separated.

2. The Board recommends:

____ Separation on the general basis of _____
and the specific basis of _____

The character of separation should be:

____ Honorable Discharge.

____ General Discharge Under Honorable Conditions.

____ Discharge Under Conditions Other Than Honorable.

____ Retention in the U.S. Marine Corps.

Proceedings authenticated, attested, and submitted:

Senior Member

Member

Member

Member

Member

Member

Recorder

Figure 4-11. Report of Administrative Separation Board.

UNITED STATES MARINE CORPS
(Organizational Headquarters)

XXX/XXX/xxx
1900

MEMORANDUM

From: Assistant Chief of Staff, Staff Judge Advocate
To: Commanding Officer, _____

Subj: Separation Proceedings; case of _____

1. The foregoing proceedings are sufficient in law and fact to support administrative separation action.

Figure 4-12. Example SJA Review; Administrative Separation.

BRIEF SHEET — ADMINISTRATIVE SEPARATION**SUBJECT:****BASIS FOR:****DISCIPLINARY HISTORY:****CONDUCT/PROFICIENCY AVERAGE:****RECOMMENDATIONS:****SJA COMMENT:**

Figure 4-13. Brief Sheet; Administrative Separations.

1910

FIRST ENDORSEMENT on CO, _____ ltr _____ 1910 dtd _____

From: Commanding Officer

To: Commandant of the Marine Corps (Code MMSR)

Subj: Separation Proceedings; case of _____

Ref: (a) MCO P1900.16C

Encl: () Staff Judge Advocate Review, subject case

1. Readdressed and forwarded.
2. Enclosure () is attached as required by paragraph _____ of the reference.
3. Based on the foregoing proceedings, it is directed that the Respondent be discharged for misconduct in accordance with paragraph _____ of the reference. It is further directed that the character of separation be with a General Discharge Under Honorable Conditions.
4. By copy hereof, the Battalion Commanding Officer of the Respondent is directed to discharge the subject named Marine within ten (10) working days of receipt of this endorsement. Notify this Headquarters (Code: SJA) when discharge has been effected.

Copy to:
CO,
SRB of Respondent

Figure 4-14. Example Separation Authority Endorsement.

the only source of information about a case after the case records have been retired. These purposes require meticulous detail but the design of the card can ease the burden. (See fig. 4-15.) Case identification information is on the front of the card. Also on the front and on the reverse side of the card are a list of the procedural steps required to process a court-martial, with a left margin to record the date of action and a right margin to keep a running total of the number of days expended on the case. Since each significant movement of a case requires some action by the section chief, that person should maintain the card and update it as each event occurs. A matrix of procedural events and card statistics provides ready analysis of operations to determine the cause of undue delay in processing cases.

b. Request for Administrative Separation in Lieu of Trial by Court-Martial. This document is a printed form utilized by accused persons to escape court-martial by requesting separation under other than honorable conditions. A fill-in-the-blank type, complete with a staff judge advocate review, is best suited to this process (see fig. 4-16). Only an endorsement by the separation authority is needed to complete the case, and the brief sheet depicted in figure 4-13 can be utilized to brief the case. Command recommendations to the separation authority should be obtained from the commanders concerned via telephone/radio or other expeditious means rather than processing the request through normal channels.

c. Convening Order. The convening order preparation document is a form used to convey the necessary information to the word processing unit for creation of the convening order. (See fig. 4-17.)

d. Charge Sheet. Figure 4-18 is a printing of word-processor-stored information regarding unauthorized absence offenses. Figure 4-19 is an example of an information sheet to be completed by the Military Justice Branch programmer and submitted to the Word Processing Branch. The two information sources are then married by the word processor and a

completed charge sheet results. The completed information is then stored by case number for future use in the preparation of the court-martial order. All criminal pleading forms can be programmed and any combination can be easily processed by use of forms similar to figures 4-18 and 4-19. The charge sheet and convening order are then sent to the command for action. To handle surge caseloads, it is preferable to have each word processor operator supplied with a complete set of form-storing software.

e. Legal Hold Notice. This document is used to control the movement of personnel who are witnesses in a case. It is a fill-in-the-blank form prepared by the Military Justice Branch clerk under instructions from the branch chief. Following signature by the military justice officer, the document is distributed to the commanding officers of all witnesses. (See fig. 4-20.)

f. Witness Request. This document is used to process witness requests for approval and for recording funding justification. Designed as a fill-in-the-blank/check-the-block form (see fig. 4-21), it facilitates the issuance of subpoenas and temporary additional duty (TAD) order writing requests.

g. Periodic Management Report. This document is prepared to report the status of all cases in the pretrial phase, to the officer in charge of the LSSS and to the staff judge advocate(s) and commanders of supported commands. (See fig. 4-22.) This form should be simple, convey essential management information, and be keyed to the Pretrial Report Card. This report is prepared from the Pretrial Report Card file and not from an annotated copy of the previous report. The report is prepared in plain but abbreviated language. Case status notes are taken from the Pretrial Report Card with the last recorded remark on the card being recorded on this report. There are three significant danger points in court-martial processing which this report primarily monitors—the pretrial confinement status and date, whether such confinement over 30 days has been approved, and the number of days expended in processing to the date of the report (90 days should

DATE - REMARKS		DAYS
- GCM Convo signed. Refd to GCM.		
- Orig GCM refd pkg back in w/ SRB. Orig chg sht, 32 rpt & 34 adv ltr to TC w/ SRB. Signed cpy of Convo & chg sht to TC/DC/IMC/JudAct/MJ/RepCh.		
- Cpy of GCM chg sht and acc by _____		
- Initial 32 hrng/SPCM/GCM docket date.		
- GOS req.		
- GOS req to CG recom appr/disappr w/ SRB.		
- GOS appr/disappr.		
- GOS back in w/ SRB. (Orig SPCM chg sht to unit f/withdrawal from trial w/ SRB.)		
- Polygraph req.		
- Polygraph req fwd to NIS.		
- Psychiatric eval req.		
- Psychiatric eval req fwd to CO.		
- Initial ruff Callow/Russo (C/R) (possible void enl) msg to AdminCh f/ type rel/DTG.		
- Followup ruff C/R msg to AdminCh f/ type rel/DTG _____		
- Recd CMC response to _____ req, DTG ____ Cpy to TC/DC/IMC.		
- Recd MARCORDEPOT initial/final response(s) to _____ req, DTG(s) _____ Cpy to TC/DC/IMC.		
- Recd MARCORDEPOT initial/final response(s) to _____ req, DTG(s) _____ Cpy to TC/DC/IMC.		
- Recd other response(s) to _____ req, DTG(s) _____ Cpy to TC/DC/IMC.		
- Recd CONGRINT/SPLINT req, DTG _____ Copy to MilJustO.		
- Date(s) tried: _____		
- Recd cpy of results of trial.		
- SRB/other items returned to unit.		
REVERSE: _____		

NAME		UNIT		TYPE CASE		CO-CONSPIRATOR(S) CHARGED	
RANK	SSN	MOS	EAS	DOB	CURRENT 32 HRNG/DOCKET DATE/LOC:		
IO	MJ	GC/TC		DC	IMC		
DATE/LOC CONF	8-DAY LTR SIGN/RECD	OVER 30 LTR TO CG F/SIGN	OVER 30 LTR SIGN/IN/DIST	UCMJ VIOL & DATE MIL JURIS EXERCISE POSSIBLE			
MJ/CM PRETRIAL REPORT CARD -							
DATE - REMARKS		DAYS					
- Recd RLS w/ SRB.							
- RLS/ SRB ret to unit f/ add info.							
- RLS back in w/ SRB.							
- Legal hold ltr(s) dist.							
- 32 AptG/O/SPCM Convo, Ser# _____ & chg sht to unit f/ sign/rel w/ orig UPB. Cpy of chg sht, 32 AptG/O/Convo to GC/TC w/ orig evidence & SRB. Cpy of GC/TC's pkg to IO/DC/IMC.							
- 32 AptG/O/SPCM Convo signed.							
- Refd to SPCM.							
- Cpy of SPCM chg sht and acc by _____							
- Recd signed orig 32 AptG/O/SPCM Convo & chg sht. Orig 32 AptG/O to IO & signed cpy to GC/SPCM chg sht to TC & signed cpy of Convo & chg sht to TC/DC/IMC/JudAct/MJ/RepCh.							
- Recd orig 32 rpt w/ SRB recom GCM. To MilJustO.							
- Recd ruff 34 adv ltr & orig 32 rpt w/ SRB.							
- Ruff 34 adv ltr to SJA f/ appr w/ orig 32 rpt/ SRB.							
- Recd 34 adv ltr f/ smooth type w/ orig 32 rpt/ SRB.							
- Smooth 34 adv ltr to SJA f/ sign w/ orig 32 rpt; GCM Convo, Ser# _____; chg sht f/ rel & SRB.							
- 34 adv ltr signed.							
- Recd signed 34 adv ltr w/ orig 32 rpt, GCM Convo, chg sht f/ rel & SRB. Orig 34 adv ltr, 32 rpt, GCM Convo & chg sht to CG f/ rel w/ SRB. Cpy of GCM refd pkg to TC. Same to DC/IMC less 34 Adv ltr.							

Figure 4-15. Pretrial Report Card.

UNITED STATES MARINE CORPS
(Organizational Headquarters)

XXX/XXX/xxx
1910

From:

To: Commanding Officer, _____

Subj: Separation in Lieu of Trial by Court-Martial; request for

Ref: (a) MARCORSEPMAN

____ 1. Having been accused by preferred charges and awaiting trial by court-martial, I hereby request separation in lieu of trial by court-martial in accordance with paragraph 6211 of the reference. I understand the elements of the offense(s) charged and I understand that, if approved, the separation will be characterized as OTHER THAN HONORABLE. I understand the adverse nature of such a characterization of separation and the potential lifelong adverse consequences of such a characterization. I have been advised of the purpose and scope of the Navy Discharge Review Board and Board for Correction of Naval Records.

____ 2. I voluntarily admit that I am guilty of the following preferred charge(s) and acknowledge the summary of the evidence thereto:

____ 3. I have/have not been afforded the opportunity to consult with qualified counsel.

(Signature of Defense Counsel)

(Signature of Accused)

(Typed or Printed Name)

(Typed or Printed Name)

(Rank, SSN, Branch of Service)

(Rank, SSN, Branch of Service)

(Organization)

(Organization)

(Date)

(Date)

Figure 4-16. Request for Separation In Lieu of Court-Martial

XXX/XXX/xxx
1910

MEMORANDUM

From: Assistant Chief of Staff, Staff Judge Advocate, _____
To: Commanding Officer, _____

Subj: Request for Separation in Lieu of Trial by Court-Martial; case of

1. Reviewed in accordance with paragraph 6308 of the reference and found to be sufficient in law and fact to support the requested discharge.

W. L. CAMPBELL

Figure 4-16. Request for Separation in Lieu of Court-Martial (Continued).

UNITED STATES MARINE CORPS
(Organizational Headquarters)

XXX/XXX/xxx
5813
CMCO Ser#

A special court-martial is hereby convened. It may proceed at _____
to try such persons as may properly be brought before it. The court will be constituted as follows:

MILITARY JUDGE

_____, U.S. Marine Corps, certified in accordance with the
Uniform Code of Military Justice, Article 26(b), and previously sworn in accordance with the Uniform Code of
Military Justice, Article 42(a).

MEMBERS

TRIAL COUNSEL

_____, U.S. Marine Corps, certified in accordance with the
Uniform Code of Military Justice, Article 27(b), and previously sworn in accordance with the Uniform Code of
Military Justice, Article 42(a).

DEFENSE COUNSEL

_____, U.S. Marine Corps, certified in accordance with the
Uniform Code of Military Justice, Article 27(b), and previously sworn in accordance with the Uniform Code of
Military Justice, Article 42(a).

Figure 4-17. Convening Order; Court-Martial.

86. 13
In that (rd GRADE) (rd FIRST) (rd LAST), (rd BSERV), (rd COMP), (rd BATT), (rd GROUP), (rd FLEET), (rd CAMP), did, at (rd LOCAL), at or about (rd [i:D?])____, without authority, fail to go at the time prescribed, to his appointed place of duty, to wit: (rd P____.
86. 13a
In that (rd GRADE) (rd FIRST) (rd LAST), (rd BSERV), (rd COMP), (rd BATT), (rd GROUP), (rd FLEET), (rd CAMP), did, at (rd LOCAL), on or about (rd [i:D?])____, without authority, go from his appointed place of duty, to wit: (rd P____.
86. 14
In that (rd GRADE) (rd FIRST) (rd LAST), (rd BSERV), (rd COMP), (rd BATT), (rd GROUP), (rd FLEET), (rd CAMP), did, on or about (rd [i:D?])____, without authority, absent himself from his (i: unit/org/p.o.d.) _____, to wit: (rd P____, located at (rd LOCAL), and did remain so absent until on or about (rd [i: D?])_____.
86. 14a
In that (rd GRADE) (rd FIRST) (rd LAST), (rd BSERV), (rd COMP), (rd BATT), (rd GROUP), (rd FLEET), (rd CAMP), did, on or about (rd [i:D?])____, without authority, absent himself from his place of duty at which he was required to be, to wit: (rd P____, located at, (rd LOCAL), and did remain so absent until on or about (rd [i:D?])_____.

Figure 4-18. Word Processor Memory Print, AWOL Offenses.

CASE	CASE # (FIRST 3 NUMBERS ONLY) _____
GRADE	SPELL OUT _____
FIRST	FIRST NAME AND MIDDLE INITIAL _____
LAST	LAST NAME _____
BSERV	U.S. MARINE CORPS _____
COMP	SPELL OUT _____
BATT	SPELL OUT _____
GROUP	1ST FORCE SERVICE GROUP (-) _____
FLEET	FLEET MARINE FORCE, PACIFIC _____
CAMP	CAMP PENDLETON, CALIFORNIA _____
LOCAL	MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA _____
PLACE	FOR ART 86, WHERE UA FROM _____ (LIST ON BACK)
D1	LIST DATES ON BACK IN ORDER OF USE IN SPECS _____
SSN	_____
RANK	_____
PAY	NO DOLLAR SIGN _____
ISERV	INITIAL DATE OF SERVICE _____
TSERV	FOUR (4) YEARS _____
YMD	00 00 00
PRIOR	YES OR NO (CIRCLE ONE)
DOB	DATE OF BIRTH _____
CONF	YES OR NO (CIRCLE ONE)
NATC	NONE OR PRETRIAL (CIRCLE ONE)
CDATE	DATE CONFINED _____
CLCC	WHERE CONFINED _____
TYPE	SPECIAL _____
INST	NONE _____

Figure 4-19. Charge Sheet Program; Military Justice.

DATES OF PRIOR AND BRANCH:

DATES OF OFFENSES IN ORDER OF USE:

D1 _____
D2 _____
D3 _____
D4 _____
D5 _____
D6 _____
D7 _____
D8 _____
D9 _____
D10 _____
D11 _____
D12 _____
D13 _____
D14 _____
D15 _____
D16 _____
D17 _____
D18 _____
D19 _____
D20 _____

PLACE UA FROM IN ORDER OF USE:

P1 _____
P2 _____
P3 _____
P4 _____
P5 _____
P6 _____
P7 _____
P8 _____
P9 _____
P10 _____

Figure 4-19. Charge Sheet Program, Military Justice (Continued).

PENDING COURT-MARTIAL STATUS REPORT AS OF: (Date)

						***** WARNING SIGNALS *****				
TYPE CASE	LAST NAME	ORG	UCMJ VIOL	TC/GC	DC IMC/CC	DATE	OVER 30	DYS ON	CURRENT STATUS	
						CNFD	APVD	90		
ART 32	WATSON	MED	Robbery, cocaine	BIC	BON	* 5 Nov	3 Dec	50	Art 34 advltr to SJA 8 Jan	
ART 32	MCDONNELL	16	AWOL, Larc, DispGovtProp	BIC	BON	* * *		35	Art 32 14 Jan	
ART 32	HICKERSON	169	AWOL, Larc, DispGovtProp	BIC	GEO	* * *		35	Art 32 14 Jan	
GCM	HUGHES	SUP	Aslt	BIC	BON	* * *		93	TD 18 Jan	
SPCM	ROBINSON	MED	DisO, RecStlnPrty	BIC	GEO	* * *		50	TD 29 Jan	
SPCM	CARY	ENG	Mj, Disr, DisO	RAJ	GEO	* * *		29	TD 13 Jan	
SPCM	KUJAWINSKI	ENG	Mj, Alst, Disr, DisO	RAJ	BON	* * *		29	TD 15 Jan	
SPCM	KILPATRICK	MAINT	DisO, Disr, Mj	BIC	GEO	* * *		21	TD 13 Jan	
SPCM	RANKIN	SUP	Mj, Cocaine	DAY	GEO	* * *		22	TD 11 Jan	
SPCM	SCOTT	H&S	DisO, Disr, Mj DamGovtProp	RAJ	BON	* 18Dec		11	TD 20 Jan	
SPCM	SURVEYOR	LSB	AWOL	BIC	BON	* * *		5	Prefrd 4 Jan	
SPCM	MONEYPENNY	MAINT	Mj, DisO	BIC	GEO	* * *		5	TD 20 Jan	
SPCM	BRADLEY	SUP	Mj, DisO	RAJ	GEO	* * *		5	Prefrd 5 Jan	

Figure 4-22. Pretrial Status Report, Military Justice.

be considered maximum processing time in all cases). The report is not designed to answer all possible questions but to report current status and warn of impending danger so that appropriate management action can be taken. This report should be prepared on a weekly basis.

4304. Court-Martial Review Branch Documents

Court-martial review documents are also susceptible to being designed and organized for effective word processing.

a. Post-Trial Report Card. A card file control system similar to that used in the Military Justice Branch is also used in the Court-Martial Review Branch. (See fig. 4-23.) A card is created as soon as a copy of the report of results of the trial (see fig. 4-24) is received in the section.

b. Special Court-Martial (SPCM), Non-Bad Conduct Discharge (BCD) Case. Figure 4-25 is an example of a programmed convening authority action for a special court-martial which does not involve a bad conduct discharge. The review section chief writes in the requisite information and the word processing element prepares the final draft.

c. Special Court-Martial, Bad Conduct Discharge Case. Figure 4-26 is an example of a convening authority action for a special court-martial in which a bad conduct discharge has been adjudged.

d. Staff Judge Advocate Review. Each record of trial involving a general court-martial (GCM), or a special court-martial in which a bad conduct discharge was adjudged, must be reviewed by a staff judge advocate prior to action being taken thereon by the officer exercising general court-martial convening

authority. This document, like the UCMJ, Article 34 advice letter, is by legal dictates, quite long and complex. Nonetheless, the document may be configured for word processing. (See fig. 4-27.) The following guidelines should be followed in using such a form.

(1) Summarize. Avoid paraphrasing testimony and argument but concisely summarize. Do not summarize the testimony of each witness, but mold the essential aspects of several testimonies so as to concisely present the facts and issues of the case. Most often this summarization technique can also be used in conjunction with a discussion of the essential point of law and thus produce an efficient conclusion. The tendency to be meticulous without due consideration for the time of the commander can be avoided if an SJA review is concisely summarized.

(2) Standardized Format. The use of a standard format with appropriate boiler plate language can facilitate word processing of the document, speed draftmanship, and aid the summarization technique.

(3) Major Issue Discussion. Only truly significant issues should be discussed in a review. Every court-martial case has a multitude of issues which could be discussed, if intellectual perfection and precision are the goals of the drafter. Only a few issues (often only one) are truly significant enough to merit discussion if the drafter's goal is to provide a fair and concise document which is also consistent with military imperatives.

(4) Simplicity. The format of the staff judge advocate review should be organized to provide ready sighting of the basic essentials of the case; e.g., offenses, pleas, findings, and sentence. The format should also be constructed so as to preclude the possibility of appellate courts applying comments in one part of the document to another part when such application is not intended; e.g., construing a remark about clemency action as applying to the opinion regarding legality of the sentence. The format should also lend itself to easy programming by the reviewer and easy reading by the commander. Excessive *legalese* should be avoided.

COURT-MARTIAL DATA CARD		DATE	ACTION	DAYS on 90	CA DEPLOYED	UCMJ VIOL	DATE DEFERRED	ROT SERVED ON ACC	REP	NAME	UNIT	TYPE CASE	TRIAL CASE	DATE REC	CNFT
			Recd O/Adv ROT fr Rep w/SRB. Log in, burn SRB. To CSC clk.												
			Recd Ori ROT fr Rep.												
			CMD/CAA/SAA/CA pkg acs, fwd to RevO.												
			CAA pkg revd & sig. RevO ret blk SJA rev (BCD).												
			CAA pkg to CA.												
			BCK: RevO comp blk SJA rev fr fwd SJA rev clk.												
			BCK: Sm SJA rev/Go ltr to RevO.												
			BCD: SJA rev appr by RevO.												
			BCD: SJA rev. Ori ROT fwd to SJA.												
			BCD: SJA sign SJA rev.												
			SJA rev recd fr SJA, to clk.												
			Go ltr, cpy SJA rev to DC.												
			DC comment recd or 5 day gone, to clk.												
			SJA rebt/DC comment to RevO w/orig ROT. SJA rev, SAA, Go ltr.												
			SAA pkg to SJA for CO sign.												
			SAA sign recd, rev, to clk.												
			CMO/SAA to RevO.												
			CMO/SAA sign.												
			Case fldr to dis clk.												
			CMO/ROT to dis clk.												
			CMR JAG dec.												
			CMR dec recd.												
			CMR dec served.												
			App pkg fwd to JAG.												
			Req to rep for mis doc/exhi/evid.												
			Mis doc/exhi/ect recd.												
			Req to unit for ref doc.												
			Ref doc recd.												

Figure 4-23. Post-Trial Report Card, Review.

RESULTS OF TRIAL (PRINT LEGIBLY)

NAME OF ACCUSED		RANK/SSN/UNIT	
NAME & RANK OF TRIAL COUNSEL		TYPE COURT-MARTIAL	
NAME & RANK OF DEFENSE COUNSEL		<input type="checkbox"/> SPCM <input type="checkbox"/> GCM	
NAME & RANK OF MILITARY JUDGE		<input type="checkbox"/> JUDGE ALONE <input type="checkbox"/> MEMBERS <input type="checkbox"/> MIXED	
CHARGES (S) AND SPECIFICATION (S) – PLAIN LANGUAGE			
PLEAS		FINDINGS	
SENTENCE			
<input type="checkbox"/> DD <input type="checkbox"/> BCD <input type="checkbox"/> CHL X ____ MOS/YRS <input type="checkbox"/> FORF \$ ____ X ____ MOS		<input type="checkbox"/> HL W/O CNFT X ____ DAYS/MOS <input type="checkbox"/> REST X ____ DAYS/MOS <input type="checkbox"/> RED TO PAY GRADE ____ <input type="checkbox"/> OTHER ____	
PRETRIAL AGREEMENT			
<input type="checkbox"/> NO <input type="checkbox"/> YES – TERMS ____			
SIGNATURE OF TRIAL COUNSEL			DATE OF TRIAL
DISTRIBUTION			
ORIGINAL – CONVENING AUTHORITY DUPLICATE – CO, CORRFAC (IF CNFT ADJUDGED) – AC/S, SJA – DEFENSE COUNSEL – MILITARY JUDGE			

Figure 4-24. Results of Trial Form.

UNITED STATES MARINE CORPS
(Organizational Headquarters)

Date: _____

In the foregoing case of _____ U.S. Marine Corps, tried by special court-martial on _____, the findings and sentence are correct in law and fact and the sentence, as approved and ordered executed by the convening authority, is approved.

The foregoing proceedings have been reviewed in accordance with the Uniform Code of Military Justice, Article 65(c), and the proceedings are final in the sense of the Uniform Code of Military Justice, Articles 44 and 76.

The Commanding Officer of the accused will cause appropriate service record book entries to be made reflecting the results of this review.

Figure 4-25. Convening Authority Action Program; Non-BCD Special Court-Martial.

UNITED STATES MARINE CORPS
(Organizational Headquarters)

Date: _____

In the foregoing case of _____ U.S. Marine Corps,
tried by special court-martial on _____, the sentence is approved.

The forfeitures shall apply to pay becoming due on and after the date of this action.

The _____ is designated
as the place of confinement.

In accordance with the Manual of the Judge Advocate General of the Navy, Section 0123c, a brief synopsis of the
accused's service record is submitted:

PREVIOUS CONVICTIONS:

NONJUDICIAL PUNISHMENTS:

MEDALS AND AWARDS:

The accused's average proficiency and conduct marks prior to the commission of the offenses were ____ and ____.
He has a GT of ____.

OTHER INFORMATION OF A COMMENDABLE NATURE:

The accused is ____ years of age, single, and has completed ____ years of formal schooling.

The record of trial is forwarded to the Commanding Officer, _____
_____ for action under the Uniform Code
of Military Justice, Article 65(b).

Commanding

Figure 4-26. Convening Authority Action Program; BCD Special Court-Martial.

UNITED STATES

v.

NAME

SSN

RANK, U.S. Marine Corps

)
)
)
)
)
)
)

OPINION OF THE STAFF
JUDGE ADVOCATE

SPECIAL COURT-MARTIAL

FOR THE COMMANDING OFFICER, _____

1. PRELIMINARY MATTERS

a. BASIS FOR REVIEW. The defendant in the above styled case was tried on _____, by (special / general) court-martial convened by the Commanding Officer,

b. RESULTS OF TRIAL.

CHARGES (S)

OFFENSE (S)

PLEAS

FINDINGS

c. SENTENCE OF THE COURT.

d. ACTION BY THE CONVENING AUTHORITY. On _____ the Convening Authority

Figure 4-27. Staff Judge Advocate Review Program.

2. TRIAL ANALYSIS

In view of the defendant's pleas of guilty to _____, no evidence related to (that) (those) crime(s) was presented. The judicial scrutiny of said pleas was legally sufficient and the pleas were provident. (R. _____)

a. ESSENTIAL FACTS. In order to convict the defendant of _____, the evidence must establish beyond reasonable doubt: (See elements from Judge's Guide.)

b. DISCUSSION. (Summarize testimony)

The facts leading me to conclude beyond reasonable doubt that the accused was _____ are:

(1)

(2)

(3)

c. CONCLUSION. The evidence is sufficient to prove beyond reasonable doubt the accused's guilt of this (those) offense(s).

3. SENTENCE

a. EVIDENCE

(1) Personal Data. The personal data reflected on page one of the charge sheet was considered by the court.

(2) Aggravation. No evidence of prior disciplinary action was considered by the court. (_____ prior conviction by special court-martial for _____, _____ Pros Exh 1) was considered by the court. (R. _____)

(3) Extenuation and Mitigation

b. PRETRIAL AGREEMENT. The pretrial agreement provides for _____. The Military Judge determined that the accused correctly understood the meaning and effect of each condition and sentence limitation detailed in the pretrial agreement (Appellate Court Exhibit I); that the agreement encompassed all of the understandings of the parties thereto; that there were no *sub rosa* agreements in this case; and that all parties and the Military Judge agreed about the meaning and effect of the plea bargain and the terms thereof. The military judge also determined that the pretrial agreement was freely and voluntarily initiated and executed by the accused. (R. _____)

Figure 4-27. Staff Judge Advocate Review Program (Continued).

c. **EVALUATION.** The sentence, as approved, is within legal limits, has a sufficient factual basis in the record, and is correct in law and fact.

4. EXECUTIVE CLEMENCY

a. **GENERAL.** As supervisory authority, you possess the distinct power of executive clemency and may disapprove any finding and/or the sentence in whole or in part for any or no reason, notwithstanding the fact that the findings are correct in law and fact and the sentence is legal, adequate, and appropriate.

b. **BIOGRAPHICAL DATA.** The following information may be considered by you in connection with clemency:

- (1) Age.
- (2) Martial Status.
- (3) Pay.
- (4) Prior Service.
- (5) Initial date of current service.
- (6) Term of current service.
- (7) Pretrial restraint.
- (8) Post-trial confinement, _____ to _____.
- (9) Education.
- (10) GT.
- (11) Average pro/con marks.
- (12) Awards and medals.
- (13) MOS.
- (14) Nonjudicial punishments.
- (15) Previous convictions.
- (16) Present duty status.

c. **EVALUATION.** I see no cogent basis for recommending executive clemency beyond that already exercised by the convening authority.

5. OPINIONS OF THE STAFF JUDGE ADVOCATE

a. **JURISDICTION.** The court was legally constituted and has jurisdiction over the defendant and the offenses for which he was tried.

Figure 4-27. Staff Judge Advocate Review Program (Continued).

b. **FINDINGS.** The findings of guilty are supported beyond reasonable doubt by the competent evidence of record.

c. **SENTENCE.** There are no errors or irregularities prejudicial to the substantial rights of the accused with respect to the sentence. The sentence, as approved (and partially suspended) by the Convening Authority, is legal, adequate, and appropriate, and it should be approved.

d. **ACTION.** Action to effect the recommendations included in the foregoing opinions is subject to your independent evaluation of the record of trial and pertinent legal principles, and your independent evaluation of the evidence, issues, findings, and sentence. The recommendations may be accomplished only after your independent concurrence and approval. As an administrative expedient, an action designed to effect the recommendations embodied in this review has been prepared for your signature, should you agree.

Lieutenant Colonel, U.S. Marine Corps
Staff Judge Advocate

Figure 4-27. Staff Judge Advocate Review Program (Continued).

e. **Service of SJA Review.** The document utilized to serve trial defense counsel with a copy of the staff judge advocate review can also be reduced to a simple form. (See fig. 4-28.)

f. **Court-Martial Order.** Though not required to be so by law, the court-martial order is a complex document which promulgates the result of a court-martial, including a full detailing of the charge, pleas, findings, sentence, and the convening authority action. Notwithstanding the complexity of the document, it can be put into a format for word processing for efficient preparation. (See fig. 4-29.) The task is made simpler by retrieving from the word processing memory disk the original charges prepared for the charge sheet. Further simplification is achieved by having the court-martial order promulgated by the supervisory authority in all cases.

g. **Review Status Report.** This report is a simple report designed in much the same way as the military justice section report. The information is obtained from the Post-Trial Report Card. A 90-day processing limit is used as a maximum process time measuring scale. (See fig. 4-30.)

4305. Appellate Leave

Appellate leave decision packages are another administrative function often made more difficult than necessary. The decision process can be simplified through use of a simple form (see fig. 4-31) and interaction between the accused's commanding officer and the staff judge advocate.

4306. Caveat-Documents and Forms

The foregoing samples of various forms and documents used by the major sections of an LSSS demonstrate adaptability to word processing techniques. Some forms are fill-in-the-blank for use with a regular typewriter; and others require only the use of a pen. If a printed form can be used, resorting to an electronic word processor is unnecessary. Everything that can produce a printed word is a word processor of sorts, and all of these tools should be appropriately organized to achieve the most efficient results possible in respect to all documents and forms.

UNITED STATES MARINE CORPS
(Organizational Headquarters)

(Date)

From: Assistant Chief of Staff, Staff Judge Advocate
To: Counsel for the Accused

Subj: United States v. _____

Ref: (a) U.S. v. GOODE, 23 USCMA 367, 50 CMR 1 (1975)

Encl: (1) Copy of SJA Post-Trial Review in subject case dtd _____

1. Enclosure (1) is delivered this date in compliance with reference (a).

From: Counsel for the Accused
To: Assistant Chief of Staff, Staff Judge Advocate

1. I, _____, counsel for the accused in the above captioned proceedings, hereby acknowledge receipt of the aforementioned written Staff Judge Advocate's Review required by Uniform Code of Military Justice, Articles 61 and/or 65(b), for the subject case on this the _____ day of _____, 19 ____.
2. I understand that as counsel for the accused I am served a copy of the written review with the opportunity to correct or challenge any matter deemed erroneous, inadequate, or misleading, or on which I otherwise wish to comment.
3. I understand that proof of such service of written review, together with any such correction, challenge, or comment which I may make, shall be made part of the record of proceedings.
4. I further understand that failure to deliver any such correction, challenge, or comment to the Assistant Chief of Staff, Staff Judge Advocate within 5 calendar days of the date stated in paragraph 1 above will normally be deemed as a waiver of any error in the review.
5. I acknowledge that there is a copy of the record of trial in the subject case available for my inspection at the office of the Assistant Chief of Staff, Staff Judge Advocate, _____.

MEMORANDUM FOR RECORD

1. Comments of defense counsel on Staff Judge Advocate's Review in subject case (have been received and are attached) (have not been received).

STAFF JUDGE ADVOCATE

Figure 4-28. Staff Judge Advocate Review, Service Document.

UNITED STATES MARINE CORPS
(Organizational Headquarters)

XXX/XXX/xxx
5815

SPECIAL COURT-MARTIAL)

ORDER NUMBER)

Before a special court-martial which convened at _____,
pursuant to a convening order issued by the Commanding Officer, _____,
dated _____ was arraigned and tried: _____ CMCO Serial # _____

(Insert Rank, Full Name, SSN, and Unit of Accused)

(Insert Charge(s) as they appear on the Charge Sheet from the word processor memory of previously stored information.)

PLEAS

FINDINGS

Figure 4-29. Court-Martial Order Program.

SPECIAL COURT-MARTIAL ORDER NUMBER (Continued)

SENTENCE

There were _____ previous convictions considered by the court.

The sentence was adjudged on _____.

ACTION OF THE CONVENING AUTHORITY

UNITED STATES MARINE CORPS
(Organizational Headquarters)

Date: _____

In the foregoing case of _____ U.S. Marine Corps,
tried by special court-martial on _____, the sentence is approved and ordered executed.

The forfeitures shall apply to pay becoming due on and after the date of this action.

The _____
is designated as the place of confinement.

The record of trial is forwarded to the Commanding Officer, _____
_____ for action under Uniform Code of Military Justice, Article 65(c).

Commanding

Figure 4-29. Court-Martial Order Program (Continued).

SPECIAL COURT-MARTIAL ORDER NUMBER (Continued)

ACTION OF THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION

UNITED STATES MARINE CORPS
(Organizational Headquarters)

Date: _____

In the foregoing case of _____ U.S. Marine Corps, tried by special court-martial on _____, the findings and sentence are correct in law and fact and the sentence, as approved and ordered executed by the Convening Authority, is approved.

The foregoing proceedings have been reviewed in accordance with the Uniform Code of Military Justice, Article 65(c), and the proceedings are final in the sense of the Uniform Code of Military Justice, Articles 44 and 76.

The Commanding Officer of the accused will cause appropriate service record book entries to be made reflecting the results of this review.

Judge Advocate

By Direction of

Commanding

DISTRIBUTION:

Original: Orig rec of trial

Duplicate Original:

- 3 Orig rec of trial
- 1 Ea copy of rec of trial
- 1 SRB of Accused
- 1 CMC (JAM-1)
- 1 Accused
- 2 CorrFac
- 1 DisbO, _____
- 1 MJ
- 1 TC
- 1 DC
- 10 CO

Figure 4-29. Court-Martial Order Program (Continued).

REVIEW SECTION STATUS REPORT

(Date)

				***** * WARNING SIGNALS *			REMARKS
NAME	UNIT	FORUM	DATE	* 90 DAY * RULE	DAYS ON 90	CURRENT STATUS	
OSBORN	H&S	GCM	30 Nov	*	39		
CARTEE	H&S	GCM	4 Dec	* X	35		
MUSSER	H&S	GCM	22 Dec	* X	17		
GAGNON	MAINT	BSP	18 Nov	* X	50		
BROTHERS	ENG	BSP	11 Dec	* X	28		
OPP	SUP	BSP	16 Dec	* X	23		
SYLVAS	SUP	BSP	16 Dec	*	23		
AISOFF	SUP	BSP	6 Jan	* X	3	Rptr	
HOLLMAN	39	SP	23 Nov	*	46	CAA to sig 1/8	
MCCUSKER	ENG	SP	7 Dec	*	32	CAA to sig 12/28	
BUTCHER	SUP	SP	16 Dec	* X	23		
JONES	37	SP	17 Dec	*	22	CAA to sig 12/21	
KLAKKEN	MT	SP	18 Dec	*	21		
BENNETT	ENG	SP	22 Dec	*	17		
DILLON	LSB	SP	28 Dec	*	11		
MEDINA	MT	SP	28 Dec	*	11	CAA to sig 1/6	
ERICSON	ENG	SP	28 Dec	*	11	CAA to sig 1/7	

* Denotes receipt of Adv copy R/T only.

Figure 4-30. Review Status Report.

REQUEST FOR APPELLATE LEAVE

NAME OF ACCUSED	RANK/SSN/MOS/UNIT				
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%; border: 1px solid black; padding: 5px;">ENCLOSURES</td> <td style="width: 30%; border: 1px solid black; padding: 5px;">TYPE REQUEST</td> </tr> <tr> <td style="border: none; padding: 5px;"> <input type="checkbox"/> REQUEST FOR RESTORATION/CLEMENCY (NAVSO 5815/2) <input type="checkbox"/> WAIVER OF CLEMENCY REVIEW (NAVSO 5815/4) <input type="checkbox"/> PRISONER PROGRESS REPORTS (DD FORMS 1476, 1477, 1478, and 1479) <input type="checkbox"/> PREDISCHARGE EXAMINATION <input type="checkbox"/> PSYCHIATRIC EVALUATION <input type="checkbox"/> POWER OF ATTORNEY <input type="checkbox"/> ACKNOWLEDGEMENT OF RIGHTS STATEMENT (ADMINISTRATIVE DISCHARGE) </td> <td style="border: none; padding: 5px;"> <input type="checkbox"/> VOLUNTARY <input type="checkbox"/> INVOLUNTARY </td> </tr> </table>		ENCLOSURES	TYPE REQUEST	<input type="checkbox"/> REQUEST FOR RESTORATION/CLEMENCY (NAVSO 5815/2) <input type="checkbox"/> WAIVER OF CLEMENCY REVIEW (NAVSO 5815/4) <input type="checkbox"/> PRISONER PROGRESS REPORTS (DD FORMS 1476, 1477, 1478, and 1479) <input type="checkbox"/> PREDISCHARGE EXAMINATION <input type="checkbox"/> PSYCHIATRIC EVALUATION <input type="checkbox"/> POWER OF ATTORNEY <input type="checkbox"/> ACKNOWLEDGEMENT OF RIGHTS STATEMENT (ADMINISTRATIVE DISCHARGE)	<input type="checkbox"/> VOLUNTARY <input type="checkbox"/> INVOLUNTARY
ENCLOSURES	TYPE REQUEST				
<input type="checkbox"/> REQUEST FOR RESTORATION/CLEMENCY (NAVSO 5815/2) <input type="checkbox"/> WAIVER OF CLEMENCY REVIEW (NAVSO 5815/4) <input type="checkbox"/> PRISONER PROGRESS REPORTS (DD FORMS 1476, 1477, 1478, and 1479) <input type="checkbox"/> PREDISCHARGE EXAMINATION <input type="checkbox"/> PSYCHIATRIC EVALUATION <input type="checkbox"/> POWER OF ATTORNEY <input type="checkbox"/> ACKNOWLEDGEMENT OF RIGHTS STATEMENT (ADMINISTRATIVE DISCHARGE)	<input type="checkbox"/> VOLUNTARY <input type="checkbox"/> INVOLUNTARY				
JUSTIFICATION FOR INVOLUNTARY APPELLATE LEAVE					
SIGNATURE OF ACCUSED'S COMMANDING OFFICER					
COMMANDING GENERAL ACTION					
<p>REQUEST FOR APPELLATE LEAVE:</p> <p><input type="checkbox"/> APPROVED</p> <p><input type="checkbox"/> DISAPPROVED</p>					
SIGNATURE (SJA or Designee of CG by Direction)					
DISTRIBUTION BY SJA					
<p>ORIGINAL — RETURN TO ACCUSED'S COMMANDING OFFICER (MINUS ENCLOSURES)</p> <p>DUP ORIG — SJA FILE</p>					

(To be completed in pen and ink and submitted to SJA)

Figure 4-31. Appellate Leave Request Form.



Fiscal Supply and Property

Section I. Fiscal Matters

5101. Financial Management

The Comptroller, Force Service Support Group (FSSG) is the financial management entity for all legal services support section/legal services support team (LSSS/LSST) operations.

The Staff Judge Advocate (SJA), FSSG should be the cost center immediately responsible for legal services budgeting and financial management. These responsibilities are discharged in coordination with the Assistant Chief of Staff, Comptroller, FSSG.

The supported command bears responsibility for costs incident to witness, court-martial, and administrative separation fees. All others costs associated with LSSS/LSST activities are borne by FSSG. Those supported commands having SJA offices in their organizations bear the costs associated with the direct support and operation of those offices. Marine air-ground task force (MAGTF) headquarters, for which the FSSG provides the staff judge advocate, will bear responsibility for the costs associated with the direct support and operation of that officer and for witness fees in accordance with command procedures. All other costs attributable to LSSS/LSST operations in support of the MAGTF will be borne by the FSSG.

Section II. Supply Management

5201. General

Supply procurement, management, and accounting for LSSS/LSST's is the responsibility of the FSSG. Supported commands bear responsibility for the support of their respective staff judge advocates.

5202. Equipment Management

All equipment used by the LSSS/LSST's will be procured, managed, and maintained by the FSSG. Supported commands are responsible for the support of their respective staff judge advocates.

Section III. Law Libraries

5301. General

Law libraries tend to be too large and cumbersome for efficient field management, especially under combat conditions. Law books, in terms of combat power, are dead weight. Consequently, legal services managers must always be vigilant for ways to reduce or eliminate this dead weight.

5302. Technological Systems

Technology may produce methods of reducing library size and weight, yet still permit an entire law library to be deployed. Ultrafiche is one example. A standard library can be photographed on microfiche and stored in a hand-transportable box. Microfiche reader-printers must be procured in adequate numbers to permit efficient use of the library. The system is expensive but is deployable, easily updated, and represents a drastic reduction in library dead weight. Computer-assisted research systems are another technological advance but currently are too sensitive for remote application in the operational environment. Future improvements may make these latter systems more suitable to military use.

5303. Publication Systems

Until more technologically advanced systems are implemented, law libraries will have to be systematized and integrated according to military priorities in order to reduce dead weight.

a. Deployable Fleet Marine Force (FMF) Commands/MAGTF's. These commands need only those books routinely used and essential to conducting business in the field. One set consisting of *Court-Martial Reports/Military Justice Reporter*, *Manual of the Judge Advocate General* (JAGMAN), *Marine Corps Separations Manual* (MARCORSEPMAN), *Legal Administrative Manual* (LEGADMINMAN), *Manual for Courts-Martial, Naval Military Personnel Manual* (MILPERSMAN), and a *Military Judges Guide* should be assigned for each three lawyers on the table of organization (T/O) who are designated for trial/defense counsel/review officer billets. In addition, the command SJA rates a JAGMAN, MARCORSEPMAN, LEGADMINMAN, claims materials, one set Martindale-Hubbell, and a selection of 12 books related to law of war. The FSSG should, in addition to the foregoing, possess two sets of the *U.S. Code Annotated*, one to deploy with each Marine amphibious force (MAF)-sized MAGTF and one to retain in garrison.

b. Bases/Stations. To the maximum practical extent, all bases and stations should maintain complete cohesive (same publisher) law libraries including appropriate state and federal reporter systems. This principle applies to overseas bases and stations, as well as Continental United States (CONUS) commands.

c. Integration Scheme. All libraries should operate on an integrated basis. The parameters of legal research in operational commands are defined by those legal problems capable of resolution through research in the field law library. Problems requiring more sophisticated research are relayed to the nearest base/station for research and appropriate followup.